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The Constitution

of the

United States.

WE, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

SECTION I.

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION II.

The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

No person shall be a Representative who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they

shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of *New Hampshire* shall be entitled to choose three, *Massachusetts* eight, *Rhode Island and Providence Plantations* one, *Connecticut* five, *New York* six, *New Jersey* four, *Pennsylvania* eight, *Delaware* one, *Maryland* six, *Virginia* ten, *North Carolina* five, *South Carolina* five, and *Georgia* three.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

SECTION III.

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year, and of the third class, at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried,

the Chief Justice shall preside : and no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States ; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECTION IV.

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof ; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.

Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business ; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy, and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION VI.

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law and paid out of the Treasury of the United States. They shall, in all cases

except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

SECTION VII.

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it. If after such reconsideration two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII.

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations and among the several States, and with the Indian tribes;

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post-offices and post-roads;

To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent

of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

SECTION IX.

The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or ex post facto law shall be passed.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

SECTION X.

No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war, unless actually invaded or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION I.

The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President, chosen for the same term, be elected as follows:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[The electors shall meet in their respective States and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in

choosing the President the votes shall be taken by States, the representation from each State having one vote ; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.] *

The Congress may determine the time of choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States.

No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected.

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he may have been elected, and he shall not receive within that period any other emolument from the United States or any of them.

Before he enter on the execution of his office he shall take the following oath or affirmation :

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability preserve, protect, and defend the Constitution of the United States."

SECTION II.

The President shall be Commander-in-chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States ;

* This clause of the Constitution has been amended. See twelfth article of the amendments.

he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION III.

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION IV.

The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION I.

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both

of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SECTION II.

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION III.

Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted.

ARTICLE IV.

SECTION I.

Full faith and credit shall be given in each State to the

public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECTION II.

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION III.

New States may be admitted by the Congress into this Union ; but no new State shall be formed or erected within the jurisdiction of any other State ; nor any State be formed by the junction of two or more States or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States ; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

SECTION IV.

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

ARTICLE V.

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitu-

tion, or, on the application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress, provided that no amendments which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in convention by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

George Washington, President, and Deputy from VIRGINIA.

NEW HAMPSHIRE — John Langdon, Nicholas Gilman.

MASSACHUSETTS — Nathaniel Gorham, Rufus King.

CONNECTICUT — William Samuel Johnson, Roger Sherman.

NEW YORK — Alexander Hamilton.

NEW JERSEY — William Livingston, David Brearly, William Patterson, Jonathan Dayton.

PENNSYLVANIA — Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, Gouverneur Morris.

DELAWARE — George Read, Gunning Bedford, Jr., John Dickinson, Richard Bassett, Jacob Broom.

MARYLAND — James McHenry, Daniel of St. Thomas Jenifer, Daniel Carroll.

VIRGINIA — John Blair, James Madison, Jr.

NORTH CAROLINA — William Blount, Richard Dobbs Spaight, Hugh Williamson.

SOUTH CAROLINA — John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.

GEORGIA — William Few, Abraham Baldwin.

Attest: William Jackson, *Secretary*.

AMENDMENTS.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.

The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice-President, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a ma-

majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States or

under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each house, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

FRANKLIN'S SPEECH ON THE LAST DAY OF THE CONSTITUTIONAL CONVENTION. .

From Madison's Journal.

MONDAY, September 17. *In Convention*—The engrossed Constitution being read, Doctor Franklin rose with a speech in his hand, which he had reduced to writing for his own convenience, and which Mr. Wilson read in the words following:

“MR. PRESIDENT: I confess that there are several parts of this Constitution which I do not at present approve, but I am not sure I shall never approve them. For, having lived long, I have experienced many instances of being obliged by better information, or fuller consideration, to change opinions even on important subjects which I once thought right, but found to be otherwise. It is therefore that,

the older I grow, the more apt I am to doubt my own judgment, and to pay more respect to the judgment of others. Most men, indeed, as well as most sects in religion, think themselves in possession of all truth, and that wherever others differ from them it is so far error. Steele, a Protestant, in a dedication tells the Pope that the only difference between our churches, in their opinions of the certainty of their doctrines, is, 'the Church of Rome is infallible, and the Church of England is never in the wrong.' But though many private persons think almost as highly of their own infallibility as of that of their sect, few express it so naturally as a certain French lady who, in a dispute with her sister, said, 'I don't know how it happens, sister, but I meet with nobody but myself that is always in the right — *il n'y a que moi a toujours raison*.' In these sentiments, sir, I agree to this Constitution, with all its faults, if they are such, because I think a General Government necessary for us, and there is no form of government but what may be a blessing to the people if well administered: and believe further, that this is likely to be well administered for a course of years, and can only end in despotism, as other forms have done before it, when the people shall become so corrupted as to need despotic government, being incapable of any other. I doubt, too, whether any other Convention we can obtain may be able to make a better Constitution. For when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an assembly can a perfect production be expected? It, therefore, astonishes me, sir, to find this system approaching so near to perfection as it does: and I think it will astonish our enemies, who are waiting with confidence to hear that our councils are confounded, like those of the builders of Babel, and that our States are on the point of separation, only to meet hereafter for the purpose of cutting one another's throats. Thus I consent, sir, to this Constitution because I expect no better, and because I am not sure that it is not the best. The opinions I have had of its errors I sacrifice to the public good. I have never whispered a syllable of them abroad. Within these walls they were born and here they shall die. If every one of us, in returning to our constituents, were to report the objections he has had to it, and endeavor to gain partisans in support of them, we might prevent its being generally received, and thereby lose all the salutary effects and great advantages resulting naturally in our favor among foreign nations as well as among ourselves, from our real or apparent unanimity. Much of the strength and efficiency of any government, in procuring and securing happiness to the people, depends on opinion — on the general opinion of the goodness of the government as well as of the wisdom and integrity of its governors. I hope, therefore, that for our own sakes, as a part of the people, and for the sake of posterity, we shall act heartily and unanimously in recommending this Constitution (if approved by Congress and confirmed by the Conventions) wherever our influence may extend, and turn our future thoughts and endeavors to the means of having it well administered. On the whole, sir, I cannot help expressing a wish that every member of the Convention who

may still have objections to it would, with me, on this occasion doubt a little of his own infallibility, and, to make manifest our unanimity, put his name to this instrument."

He then moved that the Constitution be signed by the members, and offered the following as a convenient form, viz.: "Done in Convention by the unanimous consent of *the States* present the seventeenth of September, etc. In witness whereof we have hereunto subscribed our names." This ambiguous form had been drawn up by Mr. Gouverneur Morris, in order to gain the dissenting members, and put into the hands of Doctor Franklin, that it might have the better chance of success. [Considerable discussion followed, Randolph and Gerry stating their reasons for refusing to sign the Constitution. Mr. Hamilton expressed his anxiety that every member should sign. A few characters of consequence, he said, by opposing or even refusing to sign the Constitution, might do infinite mischief by kindling the latent sparks that lurk under an enthusiasm in favor of the Convention which may soon subside. No man's ideas were more remote from the plan than his own were known to be; but is it possible to deliberate between anarchy and convulsion on one side, and the chance of good to be expected from the plan on the other? This discussion concluded, the Convention voted that its journal and other papers should be retained by the President, subject to the order of Congress.] The members then proceeded to sign the Constitution as finally amended. The Constitution being signed by all the members except Mr. Randolph, Mr. Mason, and Mr. Gerry, who declined giving it the sanction of their names, the Convention dissolved itself by an adjournment sine die.

Whilst the last members were signing, Doctor Franklin, looking towards the President's chair, at the back of which a rising sun happened to be painted, observed to a few members near him that painters had found it difficult to distinguish in their art a rising from a setting sun. I have, said he, often and often, in the course of the session, and the vicissitudes of my hopes and fears as to its issue, looked at that behind the President without being able to tell whether it was rising or setting; but now, at length, I have the happiness to know that it is a rising, and not a setting, sun.

The Federal Convention which framed the Constitution met at Philadelphia in May, 1787, and completed its work September 17. The number of delegates chosen to the convention was sixty-five; ten did not attend; sixteen declined signing the Constitution, or left the convention before it was ready to be signed; thirty-nine signed.

The States ratified the Constitution in the following order:

Delaware.....	December 7, 1787	Maryland.....	April 28, 1788
Pennsylvania	December 12, 1787	South Carolina	May 23, 1788
New Jersey.....	December 18, 1787	New Hampshire.....	June 21, 1788
Georgia.....	January 2, 1788	Virginia.....	June 25, 1788
Connecticut	January 9, 1788	New York.....	July 26, 1788
Massachusetts	February 6, 1788	North Carolina.....	November 21, 1789
Rhode Island	May 29, 1790		

The first ten amendments were proposed in 1789, and declared adopted in 1791.

The eleventh amendment was proposed in 1794, and declared adopted in 1798.

The twelfth amendment was proposed in 1803, and declared adopted in 1804.

The thirteenth amendment was proposed and adopted in 1865.

The fourteenth amendment was proposed in 1866, and adopted in 1868.

The fifteenth amendment was proposed in 1869, and adopted in 1870.



The Articles of Confederation.

Articles of Confederation and Perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

ARTICLE I.—The style of this Confederacy shall be, “The United States of America.”

ART. II.—Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States in Congress assembled.

ART. III.—The said States hereby severally enter into a firm league of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever.

ART. IV.—The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and egress to and from any other State, and shall enjoy therein all the privileges of trade and commerce subject to the same duties, impositions, and restrictions as the inhabitants thereof respectively; provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State to any other State of which the owner is an in-

habitant ; provided also, that no imposition, duties, or restriction shall be laid by any State on the property of the United States or either of them. If any person guilty of, or charged with, treason, felony, or other high misdemeanor in any State shall flee from justice and be found in any of the United States, he shall, upon demand of the governor or executive power of the State from which he fled, be delivered up and removed to the State having jurisdiction of his offense. Full faith and credit shall be given in each of these States to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

ART. V.—For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the Legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year. No State shall be represented in Congress by less than two, nor by more than seven members ; and no person shall be capable of being a delegate for more than three years in any term of six years ; nor shall any person, being a delegate, be capable of holding any office under the United States for which he, or another for his benefit, receives any salary, fees, or emolument of any kind. Each State shall maintain its own delegates in any meeting of the States and while they act as members of the Committee of the States. In determining questions in the United States in Congress assembled, each State shall have one vote. Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress ; and the members of Congress shall be protected in their persons from arrests and imprisonment during the time of their going to and from, and attendance on, Congress, except for treason, felony, or breach of the peace.

ART. VI.—No State, without the consent of the United States, in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with any king, prince, or state ; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign state ; nor shall the United States, in Congress assembled, or any of them, grant any title of nobility.

No two or more States shall enter into any treaty, confed-

eration, or alliance whatever between them, without the consent of the United States, in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No State shall lay any imposts or duties which may interfere with any stipulations in treaties entered into by the United States, in Congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

No vessel of war shall be kept up in time of peace by any State, except such number only as shall be deemed necessary by the United States, in Congress assembled, for the defense of such State or its trade, nor shall any body of forces be kept up by any State in time of peace, except such number only as, in the judgment of the United States, in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defense of such State; but every State shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use in public stores a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

No State shall engage in any war without the consent of the United States, in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay till the United States, in Congress assembled, can be consulted; nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States, in Congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States, in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States, in Congress assembled, shall determine otherwise.

ART. VII.—When land forces are raised by any State for the common defense, all officers of or under the rank of Colonel shall be appointed by the Legislature of each State respectively by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

ART. VIII.—All charges of war, and all other expenses that shall be incurred for the common defense, or general welfare, and allowed by the United States, in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the value of all land within each State, granted to, or surveyed for, any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States, in Congress assembled, shall, from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the Legislatures of the several States, within the time agreed upon by the United States, in Congress assembled.

ART. IX.—The United States, in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth Article; of sending and receiving ambassadors; entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatever; of establishing rules for deciding, in all cases, what captures on land and water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas; and establishing courts for receiving and determining finally appeals in all cases of captures; provided that no member of Congress shall be appointed a judge of any of the said courts.

The United States, in Congress assembled, shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise between two or more States concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: Whenever the legislative or executive authority, or lawful agent of any State in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be

directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination; and if either party shall neglect to attend at the day appointed, without showing reasons which Congress shall judge sufficient, or being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court, to be appointed in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned; provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the State where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection, or hope of reward." Provided, also, that no State shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdictions, as they may respect such lands, and the States which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

The United States, in Congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States; fixing the standard of weights and measures throughout the United States; regulating the trade and managing all affairs with the Indians, not members of any of the States; provided that the legislative right of any State, within its own limits, be not infringed or violated; establishing and regulating post-offices from one State to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office; appointing all officers of the land forces in the service of the United States, excepting regimental officers; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States; making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States, in Congress assembled, shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated "A Committee of the States," and to consist of one delegate from each State, and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction; to appoint one of their number to preside; provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses; to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective States an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State, which requisition shall be binding; and thereupon the Legislature of each State shall appoint the regimental officers, raise the men, and clothe, arm, and equip them in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on by the United States, in Congress assembled; but if the United States, in Congress assembled, shall, on consideration of circumstances, judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any

other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such State, unless the Legislature of such State shall judge that such extra number can not be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip as many of such extra number as they judge can be safely spared, and the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on by the United States, in Congress assembled.

The United States, in Congress assembled, shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defense and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine States assent to the same, nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States, in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations as in their judgment require secrecy; and the yeas and nays of the delegates of each State, on any question, shall be entered on the journal when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request, shall be furnished with a transcript of the said journal except such parts as are above excepted, to lay before the Legislatures of the several States.

ART. X. — The Committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States, in Congress assembled, by the consent of nine States, shall, from time to time, think expedient to vest them with; provided that no power be delegated to the said Committee, for the exercise of which, by the Articles of Confederation, the voice of nine States in the Congress of the United States assembled is requisite.

ART. XI.—Canada, acceding to this Confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine States.

ART. XII.—All bills of credit emitted, moneys borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present Confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ART. XIII.—Every State shall abide by the determinations of the United States, in Congress assembled, on all questions which by this Confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the Legislatures of every State.

AND WHEREAS it hath pleased the great Governor of the world to incline the hearts of the Legislatures we respectively represent in Congress to approve of, and to authorize us to ratify, the said Articles of Confederation and perpetual Union, know ye, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and perpetual Union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States, in Congress assembled, on all questions which by the said Confederation are submitted to them; and that the Articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual.

In witness whereof we have hereunto set our hands in Congress. Done at Philadelphia in the State of Pennsylvania the ninth day of July in the year of our Lord one thousand seven hundred and seventy-eight, and in the third year of the independence of America.

On the part & behalf of the State of New Hampshire.

JOSIAH BARTLETT,

JOHN WENTWORTH, JUNR.

August 8, 1778.

On the part and behalf of the State of Massachusetts Bay.

JOHN HANCOCK,

FRANCIS DANA,

SAMUEL ADAMS,

JAMES LOVELL,

ELBRIDGE GERRY,

SAMUEL HOLTEN.

On the part and behalf of the State of Rhode Island and Providence Plantations.

WILLIAM ELLERY,

JOHN COLLINS.

HENRY MARCHANT,

On the part and behalf of the State of Connecticut.

ROGER SHERMAN,

TITUS HOSMER,

SAMUEL HUNTINGTON,

ANDREW ADAMS.

OLIVER WOLCOTT,

On the part and behalf of the State of New York.

JAS. DUANE,

WM. DUER,

FRA. LEWIS,

GOUV. MORRIS.

On the part and in behalf of the State of New Jersey, Novr. 26, 1778.

JNO. WITHERSPOON,

NATHL. SCUDDER.

On the part and behalf of the State of Pennsylvania.

ROBT. MORRIS,

WILLIAM CLINGAN,

DANIEL ROBERDEAU,

JOSEPH REED, 22d July, 1778.

JONA. BAYARD SMITH,

On the part & behalf of the State of Delaware.

THO. M'KEAN, Feby. 12, 1779. NICHOLAS VAN DYKE.

JOHN DICKINSON, May 5th, 1779,

On the part and behalf of the State of Maryland.

JOHN HANSON,

DANIEL CARROLL,

March 1, 1781.

Mar. 1, 1781.

On the part and behalf of the State of Virginia.

RICHARD HENRY LEE,

JNO. HARVIE,

JOHN BANISTER,

FRANCIS LIGHTFOOT LEE.

THOMAS ADAMS,

On the part and behalf of the State of No. Carolina.

JOHN PENN, July 21st, 1778.

JNO. WILLIAMS.

CORN. HARNETT,

On the part & behalf of the State of South Carolina.

HENRY LAURENS,
WILLIAM HENRY DRAYTON.
JNO. MATHEWS,

RICHD. HUTSON,
THOS. HAYWARD, JUNR.

On the part & behalf of the State of Georgia.

JNO. WALTON, 24th July, 1778. EDWD. LANGWORTHY.
EDWD. TELFAIR,

On the 21st of July, 1775, Franklin, the author of the plan of union adopted at Albany twenty-one years before, submitted to the Continental Congress the outline of a federal government for the colonies. This was two days after the reception by Congress of the first report from Washington, who had just assumed command of the undisciplined and unpaid army at Cambridge. Franklin's plan, submitted after consultation with Jefferson and others, defined the powers of the colonies and of the general government, and provided for a Congress of one body, its members, apportioned according to population, to be chosen annually, and the executive power to be wielded by a council of twelve, of whom one third were to be annually renewed, selected by Congress from its own members. But this plan, undoubtedly more efficient than the plan drawn up by Dickinson a year later, was not adopted. On the 11th of June, 1776, Congress resolved that a committee should be appointed to prepare a form of confederation. That committee, consisting of one member from each colony, was appointed the next day, as follows: Josiah Bartlett, Samuel Adams, Stephen Hopkins, Roger Sherman, R. R. Livingston, John Dickinson, Thomas McKean, Thomas Stone, Thomas Nelson, Joseph Hewes, Edward Rutledge, and Bulton Gwinnett. July 12th, eight days after the declaration of independence, the committee, in Dickinson's absence, brought in his draft; July 22d, it was taken into consideration by Congress in committee of the whole; and it was debated, from time to time, until November 15, 1777, when, with a few unimportant amendments, it was agreed to. Congress, at the same time, directed that the articles should be proposed to the legislatures of all the States; if approved of by them, they were advised to authorize their delegates to ratify the same in Congress. Copies of the articles were accordingly forwarded to the several States, accompanied by a circular letter. A translation of the articles into the French language and an address to the inhabitants of Canada were also prepared. On the 26th of June, 1778, the form of a ratification of the Articles of Confederation was adopted and, it having been engraved on parchment, it was signed on the 9th of July, on the part and in behalf of their respective States, by the delegates of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, Pennsylvania, Virginia, and South Carolina. The delegates of North Carolina signed on the 21st of July, those of Georgia on the 24th of July, and those of New Jersey on the 26th of November following. On the 5th of May, 1779, Mr. Dickinson and Mr. Van Dyke signed in behalf of the State of Delaware, Mr. McKean having previously signed in February. Maryland did not ratify until 1781. She had refused her assent in December, 1778, until the public lands northwest of the Ohio should be recognized as the common property of all the States, to be held as a resource for the discharge of the debts contracted by Congress for the expense of the War. But finding that her position was taken advantage of by enemies of the Union for forecasting its dissolution, she passed an act, January 30, 1781, empowering her delegates to ratify the articles, which was accordingly done on the 1st of March. Congress assembled on the 2d of March under the new powers.

The circular letter from Congress, which accompanied the Articles of Confederation, when they were transmitted by the president, Henry Laurens, to the several legislatures, commends them as a plan "for securing the freedom, sovereignty and independence of the United States"; as the best that could be adapted to the circumstances of all; as the only one which had any tolerable prospect of general ratification; as "essential to their very existence as a free people," and without which they might "soon be constrained to bid adieu to independence, to liberty and safety." "Permit us then," it continued, "earnestly to recommend these articles to the immediate and dispassionate attention of the legislatures of the respective States. Let them be candidly reviewed under a sense of the difficulty of combining in one general system the various sentiments and interests of a continent divided into so many sovereign and independent communities, under a conviction of the absolute necessity of uniting all our councils and all our strength to maintain and defend our common liberties; let them be examined with a liberality becoming brethren and fellow-citizens, surrounded by the same imminent dangers, contending for the same illustrious prize, and deeply interested in being for ever bound and connected together by ties the most intimate and indissoluble; and finally let them be adjusted with the temper and magnanimity of wise and patriotic legislators, who, while they are concerned with the prosperity of their own more immediate circle, are capable of rising superior to local attachments when they may be incompatible with the safety and glory of the general confederacy."

John Dickinson, the author of the Articles of Confederation, was born in Maryland, Nov. 13, 1732. He studied law in Philadelphia, and then went to England, where he remained for three years at the Temple in London. On his return, he established himself in the practice of the law in Philadelphia, where his abilities and acquirements procured for him eminent success. He entered public life in 1764, as a member of the Pennsylvania Assembly, and immediately took a leading place in legislation and debate. In September, 1765, he was appointed a delegate to the general Congress which assembled at New York in October, and was the author of the resolutions of that body remonstrating against the measures of the government of Great Britain. He afterwards wrote many of the state papers put forth by the Continental Congress. The first production of his pen appears to have been a pamphlet published in 1765, entitled, *The Late Regulations respecting the British Colonies on the continent of America, considered in a Letter from a Gentleman in Philadelphia to his Friend in London*, in which, with great spirit and force of argument, he exhibited the impolicy of the ministerial measures. But the work which gave him his great reputation was his *Letters from a Farmer in Pennsylvania to the Inhabitants of the British Colonies*, a series of twelve letters published in the *Pennsylvania Chronicle*, in 1767. Their object was to arouse his countrymen to the illegality of British taxation and to the necessity of vigorous action. The *Farmer's Letters* were read everywhere with intense interest and produced a profound impression. Yet Dickinson considered the resolution of independence, in 1776, untimely and unwise, and did not sign the Declaration. He felt a great repugnance to a final separation from Great Britain. He served faithfully in the army, however, for a time as a private soldier; and in 1777 he was made a brigadier-general of the Pennsylvania militia. He was elected a representative to Congress from Delaware, in 1779, and wrote the *Address to the States* put forth by Congress in May of that year. He was successively president of the states of Delaware and Pennsylvania (1781-85). He was a member of the convention which framed the national Constitution; and in 1788 he pub

lished nine letters, over the signature of "Fabius," advocating the adoption of the Constitution. He died at Wilmington, Del., Feb. 14, 1808. Dickinson College, at Carlisle, Penn., is a monument to his memory. He was a warm friend of education, and founded and liberally endowed this college. The act incorporating the college declares that, "in memory of the great and important services rendered to his country by his excellency John Dickinson, Esq., president of the supreme executive council, and in commemoration of his very liberal donation to the institution, the said college shall be forever hereafter called and known by the name of *Dickinson College*."



The Declaration of Independence.

In Congress, July 4, 1776.

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF
AMERICA.

WHEN in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the Powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.—Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their

former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their Public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our People, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislature.

He has affected to render the Military independent of and superior to the Civil Power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation :

For quartering large bodies of armed troops among us :

For protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States :

For cutting off our Trade with all parts of the world :

For imposing taxes on us without our Consent :

For depriving us in many cases, of the benefits of Trial by Jury :

For transporting us beyond Seas to be tried for pretended offences :

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies :

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments :

For suspending our own Legislatures, and declaring themselves invested with Power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms : Our repeated Petitions have been answered only by repeated injury. A Prince, whose

character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free People.

Nor have We been wanting in attention to our Brittish brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the Protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

JOHN HANCOCK.

New Hampshire—JOSIAH BARTLETT, WM. WHIPPLE, MATTHEW THORNTON.

Massachusetts Bay—SAML. ADAMS, JOHN ADAMS, ROBT. TREAT PAINE, ELBRIDGE GERRY.

Rhode Island—STEP. HOPKINS, WILLIAM ELLERY.

Connecticut—ROGER SHERMAN, SAM'EL HUNTINGTON, WM. WILLIAMS, OLIVER WOLCOTT.

New York—WM. FLOYD, PHIL. LIVINGSTON, FRANS. LEWIS, LEWIS MORRIS.

New Jersey—RICHD. STOCKTON, JNO. WITHERSPOON, FRAS. HOPKINSON, JOHN HART, ABRA. CLARK.

Pennsylvania—ROBT. MORRIS, BENJAMIN RUSH, BENJA.

FRANKLIN, JOHN MORTON, GEO. CLYMER, JAS. SMITH, GEO. TAYLOR, JAMES WILSON, GEO. ROSS.

Delaware—CÆSAR RODNEY, GEO. READ, THO. M'KEAN.

Maryland—SAMUEL CHASE, WM. PACA, THOS. STONE, CHARLES CARROLL of Carrollton.

Virginia—GEORGE WYTHE, RICHARD HENRY LEE, TH JEFFERSON, BENJA. HARRISON, THOS. NELSON, jr., FRANCIS LIGHTFOOT LEE, CARTER BRAXTON.

North Carolina—WM. HOOPER, JOSEPH HEWES, JOHN PENN.

South Carolina—EDWARD RUTLEDGE, THOS. HEYWARD, Junr., THOMAS LYNCH, Junr., ARTHUR MIDDLETON.

Georgia—BUTTON GWINNETT, LYMAN HALL, GEO. WALTON.

JEFFERSON'S ORIGINAL DRAUGHT OF THE DECLARATION.

This copy of Jefferson's original draught of the Declaration of Independence, now in the State Department at Washington, is here given, for comparison with the document as finally passed. The parts struck out by Congress are inclosed in brackets and printed in italics, and the amendments are indicated at the bottom of the page.

A DECLARATION BY THE REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN GENERAL CONGRESS ASSEMBLED.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident: that all men are created equal; that they are endowed by their creator with [*inherent and*]¹ inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights,

¹ certain

governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations [*begun at a distinguished period and*] pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to [*expunge*]¹ their former systems of government. The history of the present King of Great Britain is a history of [*unremitting*]² injuries and usurpations, [*among which appears no solitary fact to contradict the uniform tenor of the rest, but all have*]³ in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world [*for the truth of which we pledge a faith yet unsullied by falsehood*].

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the Legislature, a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly [*and continually*] for opposing with manly firmness his invasions on the rights of the people.

¹ alter

² repeated

³ all having

He has refused for a long time after such dissolutions to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise, the State remaining, in the meantime, exposed to all the dangers of invasion from without and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners, refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has [*suffered*]¹ the administration of justice [*totally to cease in some of these States*]² refusing his assent to laws for establishing judiciary powers.

He has made [*our*] judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, [*by a self-assumed power*] and sent hither swarms of new officers to harass our people and eat out their substance.

He has kept among us in times of peace standing armies [*and ships of war*] without the consent of our Legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitutions and unacknowledged by our laws, giving his assent to their acts of pretended legislation for quartering large bodies of armed troops among us; for protecting them by a mock trial from punishment for any murders which they should commit on the inhabitants of these States; for cutting off our trade with all parts of the world; for imposing taxes on us without our consent; for depriving us []³ of the benefits of trial by jury; for transporting us beyond seas to be tried for pretended offences; for abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these [*States*]⁴; for taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments; for suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

¹ obstructed

² by

³ in many cases

⁴ Colonies

He has abdicated government here [*withdrawing his governors, and declaring us out of his allegiance and protection*].¹

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny already begun with circumstances of cruelty and perfidy []² unworthy the head of a civilized nation.

He has constrained our fellow-citizens taken captive on the high seas to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has []³ endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions [*of existence*].

[*He has incited treasonable insurrections of our fellow-citizens, with the allurements of forfeiture and confiscation of our property.*

He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of INFIDEL powers, is the warfare of the CHRISTIAN King of Great Britain. Determined to keep open a market where MEN should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce. And that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, by murdering the people on whom he also obtruded them: thus paying off former crimes committed against the LIBERTIES of one people with crimes which he urges them to commit against the LIVES of another.]

In every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injuries.

A Prince whose character is thus marked by every act which may define a tyrant is unfit to be the ruler of a []⁴ peo-

¹ by declaring us out of his protection, and waging war against us.

² scarcely paralleled in the most barbarous ages, and totally

³ excited domestic insurrection among us, and has

⁴ free

ple [who mean to be free. Future ages will scarcely believe that the hardiness of one man adventured, within the short compass of twelve years only, to lay a foundation so broad and so undisguised for tyranny over a people fostered and fixed in principles of freedom.]

Nor have we been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend [a]¹ jurisdiction over [these our States].² We have reminded them of the circumstances of our emigration and settlement here, [no one of which could warrant so strange a pretension: that these were effected at the expense of our own blood and treasure, unassisted by the wealth or the strength of Great Britain: that in constituting indeed our several forms of government, we had adopted one common king, thereby laying a foundation for perpetual league and amity with them: but that submission to their parliament was no part of our Constitution, nor ever in idea, if history may be credited: and,] we []³ appealed to their native justice and magnanimity [as well as to]⁴ the ties of our common kindred to disavow these usurpations which [were likely to]⁵ interrupt our connection and correspondence. They too have been deaf to the voice of justice and of consanguinity, [and when occasions have been given them, by the regular course of their laws, of removing from their councils the disturbers of our harmony, they have, by their free election, re-established them in power. At this very time too, they are permitting their chief magistrate to send over not only soldiers of our common blood, but Scotch and foreign mercenaries to invade and destroy us. These facts have given the last stab to agonizing affection, and manly spirit bids us to renounce forever these unfeeling brethren. We must endeavor to forget our former love for them, and hold them as we hold the rest of mankind, enemies in war, in peace friends. We might have been a free and a great people together; but a communication of grandeur and of freedom, it seems, is below their dignity. Be it so, since they will have it. The road to happiness and to glory is open to us too. We will tread it apart from them, and]⁶ acquiesce in the necessity which denounces our [eternal] separation []⁷!

We therefore the representatives of the United States of America in General Con-

We therefore the representatives of the United States of America in General Con-

¹ an unwarrantable

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⁵ would inevitably

⁶ We must therefore

⁷ and hold them as we hold the rest of mankind, enemies in war, in peace friends.

gress assembled, appealing to the supreme judge of the world for the rectitude of our intentions, do in the name, and by the authority of the good people of these Colonies, solemnly publish and declare, that these united Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved; and that as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do.

And for the support of this declaration, with a firm reliance on the protection of divine providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

gress assembled, do in the name, and by the authority of the good people of these [*States reject and renounce all allegiance and subjection to the kings of Great Britain and all others who may hereafter claim by, through, or under them; we utterly dissolve all political connection which may heretofore have subsisted between us and the people or parliament of Great Britain; and finally we do assert and declare these Colonies to be free and independent States,*] and that as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do.

And for the support of this declaration, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

The original copy of the Declaration of Independence, signed at Philadelphia, is preserved at the Patent Office in Washington. It is not divided into paragraphs, but dashes are inserted. The arrangement of paragraphs here followed is that adopted by John Dunlap, who printed the Declaration for Congress—this printed copy being inserted in the original Journal of the old Congress. The same paragraphs are also made by Jefferson, in the original draught, preserved in the Department of State. The names of the signers are here spelled as in the original. The names of the states do not appear in the original. The names of the signers of each State are, however, grouped together, except the name of Matthew Thornton, which follows that of Oliver Wolcott.

A very full account of the circumstances immediately preceding the Declaration and leading up to it, with special reference to the part taken by Jefferson, is given in Randall's *Life of Jefferson*, vol. i, chaps. iv and

The discussion of the authorship of the Declaration, in the latter chapter, is particularly interesting and valuable. The following letter from Jefferson to Madison (August 30, 1823), which was drawn out by a very careless and faulty statement of the circumstances by John Adams, is undoubtedly the correct and sufficient word upon this subject:

“MONTICELLO, August 30, 1823.

DEAR SIR,—I received the enclosed letters from the President, with a request, that after perusal I would forward them to you, for perusal by yourself also, and to be returned then to him. You have doubtless seen Timothy Pickering's fourth of July observations on the Declaration of Independence. If his principles and prejudices, personal and political, gave us no reason to doubt whether he had truly quoted the information he alleges to have received from Mr. Adams, I should then say, that in some of the particulars, Mr. Adams' memory has led him into unquestionable error. At the age of eighty-eight, and forty-seven years after the transactions of Independence, this is not wonderful. Nor should I, at the age of eighty, on the small advantage of that difference only, venture to oppose my memory to his, were it not supported by written notes, taken by myself at the moment and on the spot. He says, ‘the committee of five, to wit, Dr. Franklin, Sherman, Livingston, and ourselves, met, discussed the subject, and then appointed him and myself to make the draught; that we, as a sub-committee, met, and after the urgencies of each on the other, I consented to undertake the task; that the draught being made, we, the sub-committee, met, and conned the paper over, and he does not remember that he made or suggested a single alteration.’ Now these details are quite incorrect. The committee of five met; no such thing as a sub-committee was proposed, but they unanimously pressed on myself alone to undertake the draught. I consented; I drew it; but before I reported it to the committee, I communicated it *separately* to Dr. Franklin and Mr. Adams, requesting their corrections, because they were the two members of whose judgments and amendments I wished most to have the benefit, before presenting it to the committee; and you have seen the original paper now in my hands, with the corrections of Dr. Franklin and Mr. Adams interlined in their own hand writings. Their alterations were two or three only, and merely verbal. I then wrote a fair copy, reported it to the committee, and from them, unaltered, to Congress. This personal communication and consultation with Mr. Adams, he has misremembered into the actings of a sub-committee. Pickering's observations, and Mr. Adams' in addition, ‘that it contained no new ideas, that it is a common-place compilation, its sentiments hacknied in Congress for two years before, and its essence contained in Otis' pamphlet,’ may all be true. Of that I am not to be the judge. Richard Henry Lee charged it as copied from Locke's treatise on government. Otis' pamphlet I never saw, and whether I had gathered my ideas from reading or reflection I do not know. I know only that I turned to neither book nor pamphlet while writing it. I did not consider it as any part of my charge to invent new ideas altogether, and to offer no sentiment which had ever been expressed before. Had Mr. Adams been so restrained, Congress would have lost the benefit of his bold and impressive advocations of the rights of Revolution. For no man's confident and fervid addresses, more than Mr. Adams', encouraged and supported us through the difficulties surrounding us, which, like the ceaseless action of gravity, weighed on us by night and by day. Yet, on the same ground, we may ask what of these elevated thoughts was new; or can be affirmed never before to have entered the conceptions of man? Whether, also, the sentiments of Independence, and the reasons for declaring it, which make so great a portion of the in-

strument, had been hackneyed in Congress for two years before the 4th of July, '76, or this dictum also of Mr. Adams be another slip of memory, let history say. This, however, I will say for Mr. Adams, that he supported the Declaration with zeal and ability, fighting fearlessly for every word of it. As to myself, I thought it a duty to be, on that occasion, a passive auditor of the opinions of others, more impartial judges than I could be, of its merits or demerits. During the debate I was sitting by Doctor Franklin, and he observed that I was writhing a little under the acrimonious criticisms on some of its parts; and it was on that occasion, that by way of comfort, he told me the story of John Thompson, the hatter, and his new sign. Timothy thinks the instrument the better for having a fourth of it expunged. He would have thought it still better, had the other three-fourths gone out also, all but the single sentiment (the only one he approves), which recommends friendship to his dear England, whenever she is willing to be at peace with us. His in-inuations are, that although 'the high tone of the instrument was in unison with the warm feelings of the times, this sentiment of habitual friendship to England should never be forgotten, and that the duties it enjoins should *especially* be borne in mind on every celebration of this anniversary.' In other words, that the Declaration, as being a libel on the government of England, composed in times of passion, should now be buried in utter oblivion, to spare the feelings of our English friends and Angloman fellow-citizens. But it is not to wound them that we wish to keep it in mind; but to cherish the principles of the instrument in the bosoms of our own citizens: and it is a heavenly comfort to see that these principles are yet so strongly felt, as to render a circumstance so trifling as this little lapse of memory of Mr. Adams', worthy of being solemnly announced and supported at an anniversary assemblage of the nation on its birthday. In opposition, however, to Mr. Pickering, I pray God that these principles may be eternal, and close the prayer with my affectionate wishes for yourself of long life, health and happiness."

A somewhat famous charge of want of originality, which has been brought against the Declaration of Independence, may here be noticed. A paper, styled

THE MECKLENBURG DECLARATION OF INDEPENDENCE,

said to have been adopted by the Committee of Mecklenburg county, North Carolina, May 20, 1775, the day after the receipt of the news of the battle of Lexington, was first published in the Raleigh (N. C.) Register, April 30, 1819. It was as follows, the phrases coinciding with those of the National Declaration being printed in italics:

"1. *Resolved*, That whosoever directly or indirectly abetted, or in any way, form, or manner, countenanced the unchartered and dangerous invasion of our rights, as claimed by Great Britain, is an enemy to this Country — to America — and to the *inherent and inalienable rights* of man.

2. *Resolved*, That we the citizens of Mecklenburg County, do hereby *dissolve the political bands which have connected us to the Mother Country*, and hereby *absolve ourselves from all allegiance to the British Crown*, and abjure *all political connection*, contract, or association, with that Nation, who have wantonly trampled on our rights and liberties — and inhumanly shed the innocent blood of American patriots at Lexington.

3. *Resolved*, That we do hereby declare ourselves a *free and independent* people, *are, and of right ought to be*, a sovereign and self-governing Association, under the control of no power other than that of our God and

the General Government of the Congress; to the maintenance of which independence, we solemnly *pledge to each other*, our mutual coöperation, *our lives, our fortunes, and our most sacred honor*.

4. *Resolved*, That as we now acknowledge the existence and control of no law or legal officer, civil or military, within this County, we do hereby ordain and adopt, as a rule of life, all, each and every of our former laws — wherein, nevertheless, the Crown of Great Britain never can be considered as holding rights, privileges, immunities, or authority therein.

5. *Resolved*, That it is also further decreed, that all, each and every military officer in this County, is hereby reinstated to his former command and authority, he acting conformably to these regulations, and that every member present of this delegation shall henceforth be a civil officer, viz. a Justice of the Peace, in the character of a '*Committee-man*,' to issue process, hear and determine all matters of controversy, according to said adopted laws, and to preserve peace, and union, and harmony, in said County, and to use every exertion to spread the love of country and fire of freedom throughout America, until a more general and organized government be established in this province."

This printed copy of the alleged Mecklenburg Declaration of Independence, thus given to the public forty-four years after the event, was accompanied by a historical statement purporting to have been written at the time; and presently, much controversy arising, this statement was substantially confirmed by the affidavits of many old citizens of Mecklenburg who remembered such a declaration.

"How is it possible," wrote John Adams to Jefferson (June 22, 1819), "that this paper should have been concealed from me to this day? Had it been communicated to me in the time of it, I know, if you do not know, that it would have been printed in every whig newspaper upon the continent. You know that if I had possessed it, I would have made the hall of Congress echo and reëcho with it fifteen months before your Declaration of Independence. What a poor, ignorant, malicious, short-sighted, crapulous mass is Tom Paine's '*Common Sense*' in comparison with this paper. Had I known it, I would have commented upon it from the day you entered Congress till the fourth of July, 1776. The genuine sense of America at that moment was never so well expressed before or since."

Jefferson's interesting reply (July 9, 1819) may be found in the complete edition of *Jefferson's Works*, vol. vii, p. 128, in Randall's *Life of Jefferson*, vol. iii, p. 572 (appendix No. 2, on the Mecklenburg Declaration of Independence), and elsewhere. He was an "unbeliever in the apocryphal gospel," believed the paper a fabrication "until positive and solemn proof of its authenticity be produced," and made it plain that the alleged declaration could not have been known to himself or to any influential person in the North, in 1776. As to the question of "plagiarism" on Jefferson's part, over which much controversy arose, a little examination would have shown that it was Richard Henry Lee, and not Jefferson, who was really responsible for the introduction of almost all the controverted phrases into the Declaration of Independence. The committee charged with the preparation of the Declaration had been instructed to draw it in conformity with the resolution passed by Congress on the 2d of July, 1776, which resolution, penned by Richard Henry Lee, was as follows: "*Resolved*, That these United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British Crown; and that all political connection between them and the state of Great Britain is, and of right ought to be, dissolved." The pledge of "our lives and fortunes" occurs constantly in the political literature of 1775 and 1776, and was one of the commonplaces of the time.

In 1838, Mr. Peter Force, the editor of the *American Archives*, brought to light what most scholars have since regarded as the solution of the matter, viz., a series of resolutions adopted by "the Committee-men" of Mecklenburg County on the 31st of May, 1775, and widely disseminated at the time both in southern and northern newspapers. These resolutions (given in Randall's appendix, and in Graham's and Welling's papers, referred to below) were a virtual declaration of independence, but differed essentially from the declaration alleged to have been drawn up eleven days previously. There may have been a meeting on the earlier day, and certain resolutions may then have been passed; but they were probably not in the terms of the paper which was given to the public in 1819 and which, whenever compiled by its author, was doubtless compiled not with the aid of any written records, but from general recollections, as we know to have been the case in another version, which appeared subsequently. A very thorough and searching article by James C. Welling, taking this position, which is also the position of Mr. Randall, appeared in the *North American Review* for April, 1874. The authenticity of the Mecklenburg Declaration is ably defended by Hon. William A. Graham, in an address delivered at Charlotte, N. C., February 4, 1875, and since published in book form. This address considers Mr. Welling's article and all the previous important literature on the subject.

"When your lordships look at the papers transmitted us from America, when you consider their decency, firmness, and wisdom, you cannot but respect their cause, and wish to make it your own. For myself, I must declare and avow, that in all my reading and observation — and it has been my favorite study — I have read Thucydides and have studied and admired the master states of the world — that for solidity of reasoning, force of sagacity, and wisdom of conclusion, under such a complication of difficult circumstances, no nation or body of men can stand in preference to the general congress at Philadelphia. I trust it is obvious to your lordships that all attempts to impose servitude upon such men, to establish despotism over such a mighty, continental nation, must be vain, must be fatal. We shall be forced ultimately to retract. Let us retract while we can, not when we must. Avoid this humiliating, disgraceful necessity. With a dignity becoming your exalted situation, make the first advances to concord, to peace, and happiness; for that is your true dignity, to act with prudence and justice. That *you* should first concede is obvious from sound and rational policy. Concession comes with better grace and more salutary effect from superior power. It reconciles superiority of power with the feelings of men, and establishes solid confidence on the foundations of affection and gratitude. Every motive of justice and of policy, of dignity and of prudence, urges you to allay the ferment in America, by a removal of your troops from Boston, by a repeal of your acts of parliament, and by demonstration of amicable dispositions towards your colonies. On the other hand, every danger and every hazard impend to deter you from perseverance in your present ruinous measures." — *Lord Chatham*.

"Whatever might be the importance of American independence in the history of England, it was of unequalled moment in the history of the world. If it crippled for a while the supremacy of the English nation, it founded the supremacy of the English race. From the hour of American Independ-

ence the life of the English People has flowed not in one current, but in two; and while the older has shown little signs of lessening, the younger has fast risen to a greatness which has changed the face of the world. In 1783 America was a nation of three millions of inhabitants, scattered thinly along the coast of the Atlantic Ocean. It is now a nation of forty millions, stretching over the whole continent from the Atlantic to the Pacific. Its wealth and material energy, as in numbers, it far surpasses the mother-country from which it sprang. It is already the main branch of the English People; and in the days that are at hand the main current of that people's history must run along the channel not of the Thames or the Mersey, but of the Hudson and the Mississippi. But distinct as these currents are, every year proves more clearly that in spirit the English People is one. The distance that parted England from America lessens every day. The ties that unite them grow every day stronger. The social and political differences that threatened a hundred years ago to form an impassable barrier between them grow every day less. Against this silent and inevitable drift of things the spirit of narrow isolation on either side of the Atlantic struggles in vain. It is possible that the two branches of the English People will remain for ever separate political existences. It is likely enough that the older of them may again break in twain, and that the English People in the Pacific may assert as distinct a national life as the two English Peoples on either side the Atlantic. But the spirit, the influence, of all these branches will remain one. And in thus remaining one, before half a century is over it will change the face of the world. As two hundred millions of Englishmen fill the valley of the Mississippi, as fifty millions of Englishmen assert their lordship over Australasia, this vast power will tell through Britain on the old world of Europe, whose nations will have shrunk into insignificance before it. What the issues of such a world-wide change may be, not even the wildest dreamer would dare to dream. But one issue is inevitable. In the centuries that lie before us, the primacy of the world will lie with the English People. English institutions, English speech, English thought, will become the main features of the political, the social, and the intellectual life of mankind." — *John Richard Green*. See chapter on the Independence of America, in his *History of the English People*.



Old South Leaflets.

No. 4.

Washington's Farewell Address

TO THE PEOPLE OF THE UNITED
STATES.

FRIENDS AND FELLOW-CITIZENS :

The period for a new election of a citizen, to administer the executive government of the United States, being not far distant, and the time actually arrived, when your thoughts must be employed in designating the person, who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation, which binds a dutiful citizen to his country ; and that, in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest ; no deficiency of grateful respect for your past kindness ; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in, the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped, that it would have been much earlier in my power, consistently with motives, which I was not at liberty to disregard, to return to that retirement, from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you ; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice, that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty, or propriety; and am persuaded, whatever partiality may be retained for my services, that, in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions, with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say, that I have, with good intentions, contributed towards the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious, in the outset, of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied, that, if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe, that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment, which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude, which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead, amidst appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts, and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free constitution, which is the work of your hands, may be sacredly maintained; that its administration in every depart-

ment may be stamped with wisdom and virtue ; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete, by so careful a preservation and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation, which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments, which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a People. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of Government, which constitutes you one people, is also now dear to you. It is justly so : for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad ; of your safety ; of your prosperity ; of that very Liberty, which you so highly prize. But as it is easy to foresee, that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth ; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment, that you should properly estimate the immense value of your national Union to your collective and individual happiness ; that you should cherish a cordial, habitual, and immovable attachment to it ; accustoming yourselves to think and speak of it as of the Palladium of your political safety and prosperity ; watching for its preservation with jealous anxiety ; discountenancing whatever may suggest even a suspicion, that it can in any event be abandoned ; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens, by birth or choice, of a common country, that country has a right to concentrate your affections. The name of AMERICAN, which belongs to you, in your national capacity, must always exalt the just pride of Patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together; the Independence and Liberty you possess are the work of joint counsels, and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those, which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the Union of the whole.

The *North*, in an unrestrained intercourse with the *South*, protected by the equal laws of a common government, finds, in the productions of the latter, great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The *South*, in the same intercourse, benefiting by the agency of the *North*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *North*, it finds its particular navigation invigorated; and, while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *East*, in a like intercourse with the *West*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find, a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *West* derives from the *East* supplies requisite to its growth and comfort, and, what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *West* can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connexion with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in Union, all the parts combined

cannot fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from Union an exemption from those broils and wars between themselves, which so frequently afflict neighbouring countries not tied together by the same governments, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments, which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to Republican Liberty. In this sense it is, that your Union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the UNION as a primary object of Patriotic desire. Is there a doubt, whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope, that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to Union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those, who in any quarter may endeavour to weaken its bands.

In contemplating the causes, which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *Geographical* discriminations, *Northern* and *Southern*, *Atlantic* and *Western*; whence designing men may endeavour to excite a belief, that there is a real difference of local interests and views. One of the expedients of party to acquire influence, within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart-burnings, which spring from these misrepresentations; they tend to render alien to each other those, who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head; they have seen, in the negotiation by the Executive,

and in the unanimous ratification by the Senate, of the treaty with Spain, and in the universal satisfaction at that event, throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the MISSISSIPPI; they have been witnesses to the formation of two treaties, that with Great Britain, and that with Spain, which secure to them every thing they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the UNION by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren, and connect them with aliens?

To the efficacy and permanency of your Union, a Government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions, which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a Constitution of Government better calculated than your former for an intimate Union, and for the efficacious management of your common concerns. This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true Liberty. The basis of our political systems is the right of the people to make and to alter their Constitutions of Government. But the Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish Government presupposes the duty of every individual to obey the established Government.

All obstructions to the execution of the Laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and ex-

traordinary force ; to put, in the place of the delegated will of the nation, the will of a party, often a small but artful and enterprising minority of the community ; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common counsels, and modified by mutual interests.

However combinations or associations of the above descriptions may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government ; destroying afterwards the very engines, which have lifted them to unjust dominion.

Towards the preservation of your government, and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect, in the forms of the constitution, alterations, which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions ; that experience is the surest standard, by which to test the real tendency of the existing constitution of a country ; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypothesis and opinion ; and remember, especially, that, for the efficient management of your common interests, in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprise of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehen-

sive view, and warn you in the most solemn manner against the baneful effects of the spirit of party, generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but, in those of the popular form, it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries, which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation, on the ruins of Public Liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight,) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the Public Councils, and enfeeble the Public Administration. It agitates the Community with ill-founded jealousies and false alarms; kindles the animosity of one part against another, foment occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion, that parties in free countries are useful checks upon the administration of the Government, and serve to keep alive the spirit of Liberty. This within certain limits is probably true; and in Governments of a Monarchical cast, Patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in Governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And, there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be

quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution, in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the Guardian of the Public Weal against invasions by the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way, which the constitution designates. But let there be no change by usurpation; for, though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit, which the use can at any time yield.

Of all the dispositions and habits, which lead to political prosperity, Religion and Morality are indispensable supports. In vain would that man claim the tribute of Patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of Men and Citizens. The mere Politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connexions with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths, which are the instruments of investigation in Courts of Justice? And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a neces-

sary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who, that is a sincere friend to it, can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is, to use it as sparingly as possible; avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts, which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burthen, which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should coöperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be Revenue; that to have Revenue there must be taxes; that no taxes can be devised, which are not more or less inconvenient and unpleasant, that the intrinsic embarrassment, inseparable from the selection of the proper objects (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all Nations; cultivate peace and harmony with all. Religion and Morality enjoin this conduct; and can it be, that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great Nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt, that, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages, which might be lost by a steady adherence to it? Can it be, that Providence has not connected the permanent felicity of a Nation with its Virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential, than that permanent, inveterate antipathies against particular Nations, and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The Nation, which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable, when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The Nation, prompted by ill-will and resentment, sometimes impels to war the Government, contrary to the best calculations of policy. The Government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of Nations has been the victim.

So likewise, a passionate attachment of one Nation for another produces a variety of evils. Sympathy for the favorite Nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducement or justification. It leads also to concessions to the favorite Nation of privileges denied to others, which is apt doubly to injure the Nation making the concessions; by unnecessarily parting with what ought to have been retained; and by exciting jealousy, ill-will, and a disposition to retaliate, in the parties from whom equal privileges are withheld. And it gives to ambitious, corrupted, or deluded citizens, (who devote themselves to the favorite nation,) facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding, with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base of foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent Patriot. How many opportunities do they afford to tamper with domestic factions, to practise the arts of

seduction, to mislead public opinion, to influence or awe the Public Councils! Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of Republican Government. But that jealousy, to be useful, must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defence against it. Excessive partiality for one foreign nation, and excessive dislike of another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connexion as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off, when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality, we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing, with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that, by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion, which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course, which has hitherto marked the destiny of nations. But, if I may even flatter myself, that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will

be a full recompense for the solicitude for your welfare, by which they have been dictated.

How far in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have at least believed myself to be guided by them.

In relating to the still subsisting war in Europe, my Proclamation of the 22d of April, 1793, is the index to my Plan. Sanctioned by your approving voice, and by that of your Representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it, with moderation, perseverance, and firmness.

The considerations, which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe, that, according to my understanding of the matter, that right, so far from being denied by any of the Belligerent Powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavour to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency, which is necessary to give it, humanly speaking, the command of its own fortunes.

Though, in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope, that my Country will never cease to view them with indulgence; and

that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man, who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat, in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws under a free government, the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GEORGE WASHINGTON.

United States, September 17th. 1796.

The Farewell Address is here printed as given by Sparks, from a copy of "*Claypoole's American Daily Advertiser*," for September 19th, 1796. On this paper are endorsed the following words in Washington's handwriting, which were designed as an instruction to the copyist, who recorded the ADDRESS in the letter book: "The letter contained in this gazette, addressed 'To the People of the United States,' is to be recorded, and in the order of its date. Let it have a blank page before and after it, so as to stand distinct. Let it be written with a letter larger and fuller than the common recording hand. And where words are printed with capital letters, it is to be done so in recording. And those other words, that are printed in italics, must be scored underneath and straight by a ruler." "The copy from which the final draft was printed," says Sparks, "is now in existence. It was given by Washington himself to Mr. Claypoole, the printer. This manuscript, by the permission of Mr. Claypoole, I have examined, and it is wholly in the handwriting of Washington. It bears all the marks of a most rigid and laborious revision. It is thus described by Mr. Claypoole: 'The manuscript copy consists of thirty-two pages of quarto letter-paper, sewed together as a book, and with many alterations; as in some places whole paragraphs are erased, and others substituted; in others, many lines struck out; in others, sentences and words erased, and others interlined in their stead. The tenth, eleventh, and sixteenth pages are almost entirely expunged, saving only a few lines; and one half of the thirty-first page is also effaced.'"

See Sparks's note on the authorship of the Farewell Address, in the appendix to vol. xii of his edition of the Writings of Washington, page 382. The draft prepared by Madison in 1792, at Washington's request, is here incorporated, and the assistance rendered by Hamilton and Jay is discussed. "The question as to the manner in which the Address originated," observes Sparks, "is one of small moment, since its real importance consists in its being known to contain the sentiments of Washington, uttered on a solemn occasion, and designed for the benefit of his countrymen. Whether every idea embodied in it arose spontaneously from his own mind, or whether every

word was first traced by his pen, or whether he acted as every wise man would naturally act under the same circumstances, and sought counsel from other sources claiming respect and confidence, or in what degree he pursued either or all of these methods, are points so unimportant, compared with the object and matter of the whole, as to be scarcely worth considering. . . . My opinion is, that the Address, in the shape it now bears, is much indebted for its language and style to the careful revision and skilful pen of Hamilton; that he suggested some of the topics and amplified others; and that he undertook this task not more as an act of friendship than from a sincere desire that a paper of this kind should go before the public in a form which would give it great and lasting utility. But I do not think that his aid, however valuable, was such as to detract from the substantial merit of Washington, or to divest him of a fair claim to the authorship of the address."



Magna Charta

OR

THE GREAT CHARTER OF KING JOHN,
GRANTED JUNE 15, A. D. 1215.

JOHN, by the Grace of God, King of England, Lord of Ireland, Duke of Normandy, Aquitaine, and Count of Anjou, to his Archbishops, Bishops, Abbots, Earls, Barons, Justiciaries, Foresters, Sheriffs, Governors, Officers, and to all Bailiffs, and his faithful subjects, greeting. Know ye, that we, in the presence of God, and for the salvation of our soul, and the souls of all our ancestors and heirs, and unto the honour of God and the advancement of Holy Church, and amendment of our Realm, by advice of our venerable Fathers, Stephen, Archbishop of Canterbury, Primate of all England and Cardinal of the Holy Roman Church; Henry, Archbishop of Dublin; William, of London; Peter, of Winchester; Jocelin, of Bath and Glastonbury; Hugh, of Lincoln; Walter, of Worcester; William, of Coventry; Benedict, of Rochester — Bishops: of Master Pandulph, Sub-Deacon and Familiar of our Lord the Pope; Brother Aymeric, Master of the Knights-Templars in England; and of the noble Persons, William Marescall, Earl of Pembroke; William, Earl of Salisbury; William, Earl of Warren; William, Earl of Arundel; Alan de Galloway, Constable of Scotland; Warin FitzGerald, Peter FitzHerbert, and Hubert de Burgh, Seneschal of Poitou; Hugh de Neville, Matthew FitzHerbert, Thomas Basset, Alan Basset, Philip of Albiney, Robert de Roppell, John Mareschal, John FitzHugh, and others, our liegemen, have, in the first place, granted to God, and by this our present Charter confirmed, for us and our heirs for ever:—

1. That the Church of England shall be free, and have her whole rights, and her liberties inviolable; and we will have them so observed, that it may appear thence that the freedom of elections, which is reckoned chief and indispensable to the English Church, and which we granted and confirmed by our Charter, and obtained the confirmation of the same from our Lord the Pope Innocent III., before the discord between us and

our barons, was granted of mere free will; which Charter we shal observe, and we do will it to be faithfully observed by our heirs for ever.

2. We also have granted to all the freemen of our kingdom, for us and for our heirs for ever, all the underwritten liberties, to be had and holden by them and their heirs, of us and our heirs for ever: If any of our earls, or barons, or others, who hold of us in chief by military service, shall die, and at the time of his death his heir shall be of full age, and owe a relief, he shall have his inheritance by the ancient relief — that is to say, the heir or heirs of an earl, for a whole earldom, by a hundred pounds; the heir or heirs of a baron, for a whole barony, by a hundred pounds; the heir or heirs of a knight, for a whole knight's fee, by a hundred shillings at most; and whoever oweth less shall give less, according to the ancient custom of fees.

3. But if the heir of any such shall be under age, and shall be in ward, when he comes of age he shall have his inheritance without relief and without fine.

4. The keeper of the land of such an heir being under age, shall take of the land of the heir none but reasonable issues, reasonable customs, and reasonable services, and that without destruction and waste of his men and his goods; and if we commit the custody of any such lands to the sheriff, or any other who is answerable to us for the issues of the land, and he shall make destruction and waste of the lands which he hath in custody, we will take of him amends, and the land shall be committed to two lawful and discreet men of that fee, who shall answer for the issues to us, or to him to whom we shall assign them; and if we sell or give to any one the custody of any such lands, and he therein make destruction or waste, he shall lose the same custody, which shall be committed to two lawful and discreet men of that fee, who shall in like manner answer to us as aforesaid.

5. But the keeper, so long as he shall have the custody of the land, shall keep up the houses, parks, warrens, ponds, mills, and other things pertaining to the land, out of the issues of the same land; and shall deliver to the heir, when he comes of full age, his whole land, stocked with ploughs and carriages, according as the time of wainage shall require, and the issues of the land can reasonably bear.

6. Heirs shall be married without disparagement, and so that before matrimony shall be contracted, those who are near in blood to the heir shall have notice.

7. A widow, after the death of her husband, shall forth-

with and without difficulty have her marriage and inheritance; nor shall she give anything for her dower, or her marriage, or her inheritance, which her husband and she held at the day of his death; and she may remain in the mansion house of her husband forty days after his death, within which time her dower shall be assigned.

8. No widow shall be distrained to marry herself, so long as she has a mind to live without a husband; but yet she shall give security that she will not marry without our assent, if she hold of us; or without the consent of the lord of whom she holds, if she hold of another.

9. Neither we nor our bailiffs shall seize any land or rent for any debt so long as the chattels of the debtor are sufficient to pay the debt; nor shall the sureties of the debtor be distrained so long as the principal debtor has sufficient to pay the debt; and if the principal debtor shall fail in the payment of the debt, not having wherewithal to pay it, then the sureties shall answer the debt; and if they will they shall have the lands and rents of the debtor, until they shall be satisfied for the debt which they paid for him, unless the principal debtor can show himself acquitted thereof against the said sureties.

10. If any one have borrowed anything of the Jews, more or less, and die before the debt be satisfied, there shall be no interest paid for that debt, so long as the heir is under age, of whomsoever he may hold; and if the debt falls into our hands, we will only take the chattel mentioned in the deed.

11. And if any one shall die indebted to the Jews, his wife shall have her dower and pay nothing of that debt; and if the deceased left children under age, they shall have necessities provided for them, according to the tenement of the deceased; and out of the residue the debt shall be paid, saying, however, the service due to the lords, and in like manner shall it be done touching debts due to others than the Jews.

12. NO SCUTAGE OR AID SHALL BE IMPOSED IN OUR KINGDOM, UNLESS BY THE GENERAL COUNCIL OF OUR KINGDOM; except for ransoming our person, making our eldest son a knight and once for marrying our eldest daughter; and for these there shall be paid no more than a reasonable aid. In like manner it shall be concerning the aids of the City of London.

13. And the City of London shall have all its ancient liberties and free customs, as well by land as by water: furthermore, we will and grant that all other cities and boroughs, and towns and ports, shall have all their liberties and free customs.

14. AND FOR HOLDING THE GENERAL COUNCIL OF THE

KINGDOM CONCERNING THE ASSESSMENT OF AIDS, EXCEPT IN THE THREE CASES AFORESAID, AND FOR THE ASSESSING OF SCUTAGES, WE SHALL CAUSE TO BE SUMMONED THE ARCHBISHOPS, BISHOPS, ABBOTS, EARLS, AND GREATER BARONS OF THE REALM, SINGLY BY OUR LETTERS. AND FURTHERMORE, WE SHALL CAUSE TO BE SUMMONED GENERALLY, BY OUR SHERIFFS AND BAILIFFS, ALL OTHERS WHO HOLD OF US IN CHIEF, FOR A CERTAIN DAY, THAT IS TO SAY, FORTY DAYS BEFORE THEIR MEETING AT LEAST, AND TO A CERTAIN PLACE; AND IN ALL LETTERS OF SUCH SUMMONS WE WILL DECLARE THE CAUSE OF SUCH SUMMONS. AND SUMMONS BEING THUS MADE, THE BUSINESS SHALL PROCEED ON THE DAY APPOINTED, ACCORDING TO THE ADVICE OF SUCH AS SHALL BE PRESENT, ALTHOUGH ALL THAT WERE SUMMONED COME NOT.

15. We will not for the future grant to any one that he may take aid of his own free tenants, unless to ransom his body, and to make his eldest son a knight, and once to marry his eldest daughter; and for this there shall be only paid a reasonable aid.

16. No man shall be distrained to perform more service for a knight's fee, or other free tenement, than is due from thence.

17. Common pleas shall not follow our court, but shall be holden in some place certain.

18. Trials upon the Writs of Novel Disseisin,¹ and of Mort d'ancestor,² and of Darrein Presentment,³ shall not be taken but in their proper counties, and after this manner: We, or if we should be out of the realm, our chief justiciary, will send two justiciaries through every county four times a year, who, with four knights of each county, chosen by the county, shall hold the said assizes⁴ in the county, on the day, and at the place appointed.

19. And if any matters cannot be determined on the day appointed for holding the assizes in each county, so many of the knights and freeholders as have been at the assizes aforesaid shall stay to decide them as is necessary, according as there is more or less business.

¹ Dispossession.

² Death of the ancestor; that is, in cases of disputed succession to land.

³ Last presentation to a benefice.

⁴ The word Assize here means "an assembly of knights or other substantial persons, held at a certain time and place where they sit with the Justice. 'Assisa' or 'Assize' is also taken for the court, place, or time at which the writs of Assize are taken." — Thompson's Notes.

20. A freeman shall not be amerced for a small offence, but only according to the degree of the offence; and for a great crime according to the heinousness of it, saving to him his contenement;¹ and after the same manner a merchant, saving to him his merchandise. And a villein shall be amerced after the same manner, saving to him his wainage, if he falls under our mercy; and none of the aforesaid amerciaments shall be assessed but by the oath of honest men in the neighbourhood.

21. Earls and barons shall not be amerced but by their peers, and after the degree of the offence.

22. No ecclesiastical person shall be amerced for his lay tenement, but according to the proportion of the others aforesaid, and not according to the value of his ecclesiastical benefice.

23. Neither a town nor any tenant shall be distrained to make bridges or embankments, unless that anciently and of right they are bound to do it.

24. No sheriff, constable, coroner, or other our bailiffs, shall hold "Pleas of the Crown."²

25. All counties, hundreds, wapentakes, and trethings, shall stand at the old rents, without any increase, except in our demesne manors.

26. If any one holding of us a lay fee die, and the sheriff, or our bailiffs, show our letters patent of summons for debt which the dead man did owe to us, it shall be lawful for the sheriff or our bailiff to attach and register the chattels of the dead, found upon his lay fee, to the amount of the debt, by the view of lawful men, so as nothing be removed until our whole clear debt be paid; and the rest shall be left to the executors to fulfil the testament of the dead; and if there be nothing due from him to us, all the chattels shall go to the use of the dead, saving to his wife and children their reasonable shares.³

27. If any freeman shall die intestate, his chattels shall be

¹ "That by which a person subsists and which is essential to his rank in life."

² These are suits conducted in the name of the Crown against criminal offenders.

³ A person's goods were divided into three parts, of which one went to his wife, another to his heirs, and a third he was at liberty to dispose of. If he had no child, his widow had half; and if he had children, but no wife, half was divided amongst them. These several sums were called "reasonable shares." Through the testamentary jurisdiction they gradually acquired the clergy often contrived to get into their own hands all the residue of the estate without paying the debts of the estate.

distributed by the hands of his nearest relations and friends, by view of the Church, saving to every one his debts which the deceased owed to him.

28. No constable or bailiff of ours shall take corn or other chattels of any man unless he presently give him money for it, or hath respite of payment by the good-will of the seller.

29. No constable shall distrain any knight to give money for castle-guard, if he himself will do it in his person, or by another able man, in case he cannot do it through any reasonable cause. And if we have carried or sent him into the army, he shall be free from such guard for the time he shall be in the army by our command.

30. No sheriff or bailiff of ours, or any other, shall take horses or carts of any freeman for carriage, without the assent of the said freeman."

31. Neither shall we nor our bailiffs take any man's timber for our castles or other uses, unless by the consent of the owner of the timber.

32. We will retain the lands of those convicted of felony only one year and a day, and then they shall be delivered to the lord of the fee.¹

33. All kydells² (wears) for the time to come shall be put down in the rivers of Thames and Medway, and throughout all England, except upon the sea-coast.

34. The writ which is called *præcipe*, for the future, shall not be made out to any one, of any tenement, whereby a freeman may lose his court.

35. There shall be one measure of wine and one of ale through our whole realm; and one measure of corn, that is to say, the London quarter; and one breadth of dyed cloth, and russets, and haberjeets, that is to say, two ells within the lists; and it shall be of weights as it is of measures.

36. NOTHING FROM HENCEFORTH SHALL BE GIVEN OR TAKEN FOR A WRIT OF INQUISITION OF LIFE OR LIMB, BUT IT SHALL BE GRANTED FREELY, AND NOT DENIED.³

¹ All forfeiture for felony has been abolished by the 33 and 34 Vic., c. 23. It seems to have originated in the destruction of the felon's property being part of the sentence, and this "waste" being commuted for temporary possession by the Crown.

² The purport of this was to prevent enclosures of common property, or committing a "Purpresture." These wears are now called "kettles" or "kettle-nets" in Kent and Cornwall.

³ This important writ, or "writ concerning hatred and malice," may have been the prototype of the writ of *Habeas Corpus*, and was granted for a similar purpose.

37. If any do hold of us by fee-farm, or by socage, or by burgage, and he hold also lands of any other by knight's service, we will not have the custody of the heir or land, which is holden of another man's fee by reason of that fee-farm, socage,¹ or burgage; neither will we have the custody of the fee-farm, or socage, or burgage, unless knight's service was due to us out of the same fee-farm. We will not have the custody of an heir, nor of any land which he holds of another by knight's service, by reason of any petty serjeanty² by which he holds of us, by the service of paying a knife, an arrow, or the like.

38. No bailiff from henceforth shall put any man to his law³ upon his own bare saying, without credible witnesses to prove it.

39. NO FREEMAN SHALL BE TAKEN OR IMPRISONED, OR DISSEISED, OR OUTLAWED, OR BANISHED, OR ANY WAYS DESTROYED, NOR WILL WE PASS UPON HIM, NOR WILL WE SEND UPON HIM, UNLESS BY THE LAWFUL JUDGMENT OF HIS PEERS, OR BY THE LAW OF THE LAND.

40. WE WILL SELL TO NO MAN, WE WILL NOT DENY TO ANY MAN, EITHER JUSTICE OR RIGHT.

41. All merchants shall have safe and secure conduct, to go out of, and to come into England, and to stay there and to pass as well by land as by water, for buying and selling by the ancient and allowed customs, without any unjust tolls; except in time of war, or when they are of any nation at war with us. And if there be found any such in our land, in the beginning of the war, they shall be attached, without damage to their bodies or goods, until it be known unto us, or our chief justiciary, how our merchants be treated in the nation at war with us; and if ours be safe there, the others shall be safe in our dominions.

42. It shall be lawful, for the time to come, for any one to go out of our kingdom, and return safely and securely by land or by water, saving his allegiance to us; unless in time of war, by some short space, for the common benefit of the realm, except prisoners and outlaws, according to the law of the land, and people in war with us, and merchants who shall be treated as is above mentioned.⁴

¹ "Socage" signifies lands held by tenure of performing certain inferior offices in husbandry, probably from the old French word *soc*, a plough-share.

² The tenure of giving the king some small weapon of war in acknowledgment of lands held.

³ Equivalent to putting him to his oath. This alludes to the Wager of Law, by which a defendant and his eleven supporters or "compurgators" could swear to his non-liability, and this amounted to a verdict in his favour.

⁴ The Crown has still technically the power of confining subjects within the kingdom by the writ "*ne exeat regno*," though the use of the writ is rarely resorted to.

43. If any man hold of any escheat,¹ as of the honour of Wallingford, Nottingham, Boulogne, Lancaster, or of other escheats which be in our hands, and are baronies, and die, his heir shall give no other relief, and perform no other service to us than he would to the baron, if it were in the baron's hand; and we will hold it after the same manner as the baron held it.

44. Those men who dwell without the forest from henceforth shall not come before our justiciaries of the forest, upon common summons, but such as are impleaded, or are sureties for any that are attached for something concerning the forest.²

45. We will not make any justices, constables, sheriffs, or bailiffs, but of such as know the law of the realm and mean duly to observe it.

46. All barons who have founded abbeys, which they hold by charter from the kings of England, or by ancient tenure, shall have the keeping of them, when vacant, as they ought to have.

47. All forests that have been made forests in our time shall forthwith be disforested; and the same shall be done with the water-banks that have been fenced in by us in our time.

48. All evil customs concerning forests, warrens, foresters, and warreners, sheriffs and their officers, water-banks and their keepers, shall forthwith be inquired into in each county, by twelve sworn knights of the same county, chosen by creditable persons of the same county; and within forty days after the said inquest be utterly abolished, so as never to be restored: so as we are first acquainted therewith, or our justiciary, if we should not be in England.

49. We will immediately give up all hostages and charters delivered unto us by our English subjects, as securities for their keeping the peace, and yielding us faithful service.

50. We will entirely remove from their bailiwicks the relations of Gerard de Atheyes, so that for the future they shall have no bailiwick in England; we will also remove Engelard de Cygony, Andrew, Peter, and Gyon, from the Chancery; Gyon

¹ The word *escheat* is derived from the French *escheoir*, to return or happen, and signifies the return of an estate to a lord, either on failure of tenant's issue or on his committing felony. The abolition of Feudal tenures by the Act of Charles II. (12 Charles II. c. 24) rendered obsolete this part and many other parts of the Charter.

² The laws for regulating the Royal forests, and administering justice in respect of offences committed in their precincts, formed a large part of the law.

de Cygony, Geoffrey de Martyn, and his brothers ; Philip Mark, and his brothers, and his nephew, Geoffrey, and their whole retinue.

51. As soon as peace is restored, we will send out of the kingdom all foreign knights, cross-bowmen, and stipendiaries, who are come with horses and arms to the molestation of our people.

52. If any one has been dispossessed or deprived by us, without the lawful judgment of his peers, of his lands, castles, liberties, or right, we will forthwith restore them to him ; and if any dispute arise upon this head, let the matter be decided by the five-and-twenty barons hereafter mentioned, for the preservation of the peace. And for all those things of which any person has, without the lawful judgment of his peers, been dispossessed or deprived, either by our father King Henry, or our brother King Richard, and which we have in our hands, or are possessed by others, and we are bound to warrant and make good, we shall have a respite till the term usually allowed the crusaders ; excepting those things about which there is a plea depending, or whereof an inquest hath been made, by our order before we undertook the crusade ; but as soon as we return from our expedition, or if perchance we tarry at home and do not make our expedition, we will immediately cause full justice to be administered therein.

53. The same respite we shall have, and in the same manner, about administering justice, disafforesting or letting continue the forests, which Henry our father, and our brother Richard, have afforested ; and the same concerning the wardship of the lands which are in another's fee, but the wardship of which we have hitherto had, by reason of a fee held of us by knight's service ; and for the abbeyes founded in any other fee than our own, in which the lord of the fee says he has a right ; and when we return from our expedition, or if we tarry at home, and do not make our expedition, we will immediately do full justice to all the complainants in this behalf.

54. No man shall be taken or imprisoned upon the appeal¹ of a woman, for the death of any other than her husband.

55. All unjust and illegal fines made by us, and all amercia-

¹ An *Appeal* here means an "accusation." The Appeal here mentioned was a suit for a penalty in which the plaintiff was a relation who had suffered through a murder or manslaughter. One of the incidents of this "Appeal of Death" was the Trial by Battle. These Appeals and Trial by Battle were not abolished before the passing of the Act 59 Geo. III., c. 46.

ments imposed unjustly and contrary to the law of the land, shall be entirely given up, or else be left to the decision of the five-and-twenty barons hereafter mentioned for the preservation of the peace, or of the major part of them, together with the aforesaid Stephen, Archbishop of Canterbury, if he can be present, and others whom he shall think fit to invite; and if he cannot be present, the business shall notwithstanding go on without him; but so that if one or more of the aforesaid five-and-twenty barons be plaintiffs in the same cause, they shall be set aside as to what concerns this particular affair, and others be chosen in their room, out of the said five-and-twenty, and sworn by the rest to decide the matter.

56. If we have disseised or dispossessed the Welsh of any lands, liberties, or other things, without the legal judgment of their peers, either in England or in Wales, they shall be immediately restored to them; and if any dispute arise upon this head, the matter shall be determined in the Marches by the judgment of their peers; for tenements in England according to the law of England, for tenements in Wales according to the law of Wales, for tenements of the Marches according to the law of the Marches: the same shall the Welsh do to us and our subjects.

57. As for all those things of which a Welshman hath, without the lawful judgment of his peers, been disseised or deprived of by King Henry our father, or our brother King Richard, and which we either have in our hands or others are possessed of, and we are obliged to warrant it, we shall have a respite till the time generally allowed the crusaders; excepting those things about which a suit is depending, or whereof an inquest has been made by our order, before we undertook the crusade: but when we return, or if we stay at home without performing our expedition, we will immediately do them full justice, according to the laws of the Welsh and of the parts before mentioned.

58. We will without delay dismiss the son of Llewellyn, and all the Welsh hostages, and release them from the engagements they have entered into with us for the preservation of the peace.

59. We will treat with Alexander, King of Scots, concerning the restoring his sisters and hostages, and his right and liberties, in the same form and manner as we shall do to the rest or our barons of England; unless by the charters which we have from his father, William, late King of Scots, it ought to be otherwise; and this shall be left to the determination of his peers in our court.

60. All the aforesaid customs and liberties, which we have granted to be holden in our kingdom, as much as it belongs to us, all people of our kingdom, as well clergy as laity, shall observe, as far as they are concerned, towards their dependents.

61. And whereas, for the honour of God and the amendment of our kingdom, and for the better quieting the discord that has arisen between us and our barons, we have granted all these things aforesaid; willing to render them firm and lasting, we do give and grant our subjects the underwritten security, namely that the barons may choose five-and-twenty barons of the kingdom, whom they think convenient; who shall take care, with all their might, to hold and observe, and cause to be observed, the peace and liberties we have granted them, and by this our present Charter confirmed in this manner; that is to say, that if we, our justiciary, our bailiffs, or any of our officers, shall in any circumstance have failed in the performance of them towards any person, or shall have broken through any of these articles of peace and security, and the offence be notified to four barons chosen out of the five-and-twenty before mentioned, the said four barons shall repair to us, or our justiciary, if we are out of the realm, and, laying open the grievance, shall petition to have it redressed without delay: and if it be not redressed by us, or if we should chance to be out of the realm, if it should not be redressed by our justiciary within forty days, reckoning from the time it has been notified to us, or to our justiciary (if we should be out of the realm), the four barons aforesaid shall lay the cause before the rest of the five-and-twenty barons; and the said five-and-twenty barons, together with the community of the whole kingdom, shall distrain and distress us in all the ways in which they shall be able, by seizing our castles, lands, possessions, and in any other manner they can, till the grievance is redressed, according to their pleasure; saving harmless our own person, and the persons of our Queen and children; and when it is redressed, they shall behave to us as before. And any person whatsoever in the kingdom may swear that he will obey the orders of the five-and-twenty barons aforesaid in the execution of the premises, and will distress us, jointly with them, to the utmost of his power; and we give public and free liberty to any one that shall please to swear to this, and never will hinder any person from taking the same oath.

62. As for all those of our subjects who will not, of their own accord, swear to join the five-and-twenty barons in distraining and distressing us, we will issue orders to make them take

the same oath as aforesaid. And if any one of the five-and-twenty barons dies, or goes out of the kingdom, or is hindered any other way from carrying the things aforesaid into execution, the rest of the said five-and-twenty barons may choose another in his room, at their discretion, who shall be sworn in like manner as the rest. In all things that are committed to the execution of these five-and-twenty barons, if, when they are all assembled together, they should happen to disagree about any matter, and some of them, when summoned, will not or cannot come, whatever is agreed upon, or enjoined, by the major part of those that are present shall be reputed as firm and valid as if all the five-and-twenty had given their consent; and the aforesaid five-and-twenty shall swear that all the premises they shall faithfully observe, and cause with all their power to be observed. And we will procure nothing from any one, by ourselves nor by another, whereby any of these concessions and liberties may be revoked or lessened; and if any such thing shall have been obtained, let it be null and void; neither will we ever make use of it either by ourselves or any other. And all the ill-will, indignations, and rancours that have arisen between us and our subjects, of the clergy and laity, from the first breaking out of the dissensions between us, we do fully remit and forgive: moreover, all trespasses occasioned by the said dissensions, from Easter in the sixteenth year of our reign till the restoration of peace and tranquillity, we hereby entirely remit to all, both clergy and laity, and as far as in us lies do fully forgive. We have, moreover, caused to be made for them the letters patent testimonial of Stephen, Lord Archbishop of Canterbury, Henry. Lord Archbishop of Dublin, and the bishops aforesaid, as also of Master Pandulph, for the security and concessions aforesaid.

63. Wherefore we will and firmly enjoin, that the Church of England be free, and that all men in our kingdom have and hold all the aforesaid liberties, rights, and concessions, truly and peaceably, freely and quietly, fully and wholly to themselves and their heirs, of us and our heirs, in all things and places, for ever, as is aforesaid. It is also sworn, as well on our part as on the part of the barons, that all the things aforesaid shall be observed in good faith, and without evil subtilty. Given under our hand, in the presence of the witnesses above named, and many others, in the meadow called Runingmede, between Windsor and Staines, the 15th day of June, in the 17th year of our reign.

The translation here given is that published in Sheldon Amos's work on *The English Constitution*. The translation given by Sir E. Creasy was chiefly followed in this, but it was collated with another accurate trans-

lation by Mr. Richard Thompson, accompanying his *Historical Essay on Magna Charta*, published in 1829, and also with the Latin text. "The explanation of the whole Charter," observes Mr. Amos, "must be sought chiefly in detailed accounts of the Feudal system in England, as explained in such works as those of Stubbs, Hallam, and Blackstone. The scattered notes here introduced have only for their purpose to elucidate the most unusual and perplexing expressions. The Charter printed in the Statute Book is that issued in the ninth year of Henry III., which is also the one specially confirmed by the Charter of Edward I. The Charter of Henry III. differs in some (generally) insignificant points from that of John. The most important difference is the omission in the later Charter of the 14th and 15th Articles of John's Charter, by which the King is restricted from levying aids beyond the three ordinary ones, without the assent of the 'Common Council of the Kingdom,' and provision is made for summoning it. This passage is restored by Edward I. Magna Charta has been solemnly confirmed upwards of thirty times." See the chapter on the Great Charter, in Green's *History of the English People*. See also Stubbs's *Documents Illustrative of English History*. "The whole of the constitutional history of England," says Stubbs, "is a commentary on this Charter, the illustration of which must be looked for in the documents that precede and follow."

"CONFIRMATIO CHARTARUM" OF EDWARD I.

1297.

I. Edward, by the grace of God, King of England, Lord of Ireland, and Duke Guyan, to all those that these present letters shall hear or see, greeting. Know ye that we, to the honour of God and of holy Church, and to the profit of our realm, have granted for us and our heirs, that the Charter of Liberties and the Charter of the Forest, which were made by common assent of all the realm in the time of King Henry our father, shall be kept in every point without breach. And we will that the same Charters shall be sent under our seal as well to our justices of the forest as to others, and to all sheriffs of shires, and to all our other officers, and to all our cities throughout the realm, together with our writs in the which it shall be contained that they cause the foresaid Charters to be published, and to declare to the people that we have confirmed them in all points; and that our justices, sheriffs, mayors, and other ministers, which under us have the laws of our land to guide, shall allow the said Charters pleaded before them in judgment in all their points; that is to wit, the Great Charter as the common law, and the Charter of the Forest according to the assize of the Forest, for the wealth of our realm.

II. And we will that if any judgment be given from henceforth, contrary to the points of the Charters aforesaid, by the

justices or by any other our ministers that hold plea before them against the points of the Charters, it shall be undone and holden for nought.

III. And we will that the same Charters shall be sent under our seal to cathedral churches throughout our realm, there to remain, and shall be read before the people two times by the year.

IV. And that all archbishops and bishops shall pronounce the sentence of great excommunication against all those that by word, deed, or counsel do contrary to the foresaid Charters, or that in any point break or undo them. And that the said curses be twice a year denounced and published by the prelates aforesaid. And if the prelates or any of them be remiss in the denunciation of the said sentences, the Archbishops of Canterbury and York for the time being, as is fitting, shall compel and distrein them to make that denunciation in form aforesaid.

V. And for so much as divers people of our realm are in fear that the aids and tasks which they have given to us before-time towards our wars and other business, of their own grant and goodwill, howsoever they were made, might turn to a bondage to them and their heirs, because they might be at another time found in the rolls, and so likewise the prises taken throughout the realm by our ministers; we have granted for us and our heirs, that we shall not draw such aids, tasks, nor prises into a custom, for anything that hath been done heretofore, or that may be found by roll or in any other manner.

VI. Moreover we have granted for us and our heirs, as well to archbishops, bishops, abbots, priors, and other folk of holy Church, as also to earls, barons, and to all the commonalty of the land, that for no business from henceforth will we take such manner of aids, tasks, nor prises but by the common consent of the realm, and for the common profit thereof, saving the ancient aids and prises due and accustomed.

VII. And for so much as the more part of the commonalty of the realm find themselves sore grieved with the matelote of wools, that is to wit, a toll of forty shillings for every sack of wool, and have made petition to us to release the same; we, at their requests, have clearly released it, and have granted for us and our heirs that we shall not take such thing nor any other without their common assent and good will; saving to us and our heirs the custom of wools, skins, and leather, granted before by the commonalty aforesaid. In witness of which things we have caused these our letters to be made patents. Witness Edward our son, at London, the 10th day of October, the five-and-twentieth of our reign.

And be it remembered that this same Charter, in the same terms, word for word, was sealed in Flanders under the King's Great Seal, that is to say, at Ghent, the 5th day of November, in the 25th year of the reign of our aforesaid Lord the King, and sent into England.

The words of this important document, from Professor Stubbs's translation, are given as the best explanation of the constitutional position and importance of the Charters of John and Henry III. See historical notice in Stubbs's *Documents Illustrative of English History*, p. 477. This is far the most important of the numerous ratifications of the Great Charter. Hallam calls it "that famous statute, inadequately denominated the Confirmation of the Charters, because it added another pillar to our constitution, not less important than the Great Charter itself." It solemnly confirmed the two Charters, the Charter of the Forest (issued by Henry II. in 1217—see text in Stubbs, p. 338) being then considered as of equal importance with Magna Charta itself, establishing them in all points as the law of the land; but it did more. "Hitherto the king's prerogative of levying money, by name of *tallage* or *prise*, from his towns and tenants in demesne, had passed unquestioned. Some impositions, that especially on the export of wool, affected all the king's subjects. It was now the moment to enfranchise the people and give that security to private property which Magna Charta had given to personal liberty." Edward's statute binds the king never to take any of these "aids, tacks and prises" in future, save by the common assent of the realm. Hence, as Bowen remarks, the Confirmation of the Charters, or an abstract of it under the form of a supposed statute *de tallagio non concedendo* (see Stubbs, p. 487), was more frequently cited than any other enactment by the parliamentary leaders who resisted the encroachments of Charles I. The original of the *Confirmatio Chartarum*, which is in Norman French, is still in existence, though considerably shriveled by the fire which damaged so many of the Cottonian manuscripts in 1731.

THE GRANT OF THE GREAT CHARTER.

"An island in the Thames between Staines and Windsor had been chosen as the place of conference: the King encamped on one bank, while the barons covered the marshy flat, still known by the name of Runnymede, on the other. Their delegates met in the island between them, but the negotiations were a mere cloak to cover John's purpose of unconditional submission. The Great Charter was discussed, agreed to, and signed in a single day. One copy of it still remains in the British Museum, injured by age and fire, but with the royal seal still hanging from the brown, shriveled parchment. It is impossible to gaze without reverence on the earliest monument of English freedom which we can see with our own eyes and touch with our own hands, the great Charter to which from age to age patriots have looked back as the basis of English liberty. But in itself the Charter was no novelty, nor did it claim to establish any new constitutional principles. The Charter of Henry the First formed the basis of the whole, and the additions to it are for the most part formal recognitions of the judicial and administrative changes introduced by Henry the Second. But the vague expressions of the older charters were now exchanged for precise and elaborate provisions.

The bonds of unwritten custom which the older grants did little more than recognize had proved too weak to hold the Angevins; and the baronage now threw them aside for the restraints of written law. It is in this way that the Great Charter marks the transition from the age of traditional rights, preserved in the nation's memory and officially declared by the Primate, to the age of written legislation, of Parliaments and Statutes, which was soon to come. The Church had shown its power of self-defense in the struggle over the interdict, and the clause which recognized its rights alone retained the older and general form. But all vagueness ceases when the Charter passes on to deal with the rights of Englishmen at large, their right to justice, to security of person and property, to good government. 'No freeman,' ran the memorable article that lies at the base of our whole judicial system, 'shall be seized or imprisoned, or dispossessed, or outlawed, or in any way brought to ruin: we will not go against any man nor send against him, save by legal judgment of his peers or by the law of the land.' 'To no man will we sell,' runs another, 'or deny, or delay, right or justice.' The great reforms of the past reigns were now formally recognized; judges of assize were to hold their circuits four times in the year, and the Court of Common Pleas was no longer to follow the King in his wanderings over the realm, but to sit in a fixed place. But the denial of justice under John was a small danger compared with the lawless exactions both of himself and his predecessor. Richard had increased the amount of the scutage which Henry II. had introduced, and applied it to raise funds for his ransom. He had restored the Danegeld, or land tax, so often abolished, under the new name of 'carucage,' had seized the wool of the Cistercians and the plate of the churches, and rated movables as well as land. John had again raised the rate of scutage, and imposed aids, fines, and ransoms at his pleasure without counsel of the baronage. The Great Charter met this abuse by the provision on which our constitutional system rests. With the exception of the three customary feudal aids which still remained to the Crown, 'no scutage or aid shall be imposed in our realm save by the Common Council of the realm;' and to this Great Council it was provided that prelates and the greater barons should be summoned by special writ, and all tenants in chief through the sheriffs and bailiffs, at least forty days before. But it was less easy to provide means for the control of a King whom no man could trust, and a council of twenty-four barons was chosen from the general body of their order to enforce on John the observance of the Charter, with the right of declaring war on the King should its provisions be infringed. Finally, the Charter was published throughout the whole country, and sworn to at every hundred-mote and town-mote by order from the King."—*Green*.



A Healing Question.

By Sir Henry Vane.

A Healing Question propounded and resolved, upon Occasion of the late public and seasonable Call to Humiliation, in order to Love and Union among the honest Party, and with a Desire to apply Balm to the Wound before it become incurable.

THE question propounded is, What possibility doth yet remain (all things considered) of reconciling and uniting the dissenting judgments of honest men within the three nations, who still pretend to agree in the spirit, justice, and reason of the same good cause, and what is the means to effect this?

Ans. If it be taken for granted (as, on the magistrate's part, from the ground inviting the people of England and Wales to a solemn day of fasting and humiliation, may not be despaired of) that all the dissenting parties agree still in the spirit and reason of the same righteous cause, the resolution seems very clear in the affirmative; arguing not only for a possibility, but a great probability hereof; nay, a necessity daily approaching nearer and nearer to compel it, if any or all of the dissenting parties intend or desire to be safe from the danger of the common enemy, who is not out of work, though at present much out of sight and observation.

The grounds of this are briefly these: First, the cause hath still the same goodness in it as ever, and is, or ought to be, as much in the hearts of all good people that have adhered to it: it is not less to be valued now, than when neither blood nor treasure were thought too dear to carry it on, and hold it up from sinking; and hath the same omnipotent God, whose great name is concerned in it, as well as his people's outward safety and welfare; who knows, also, how to give a revival to it when secondary instruments and visible means fail or prove deceitful.

Secondly, The persons concerned and engaged in this cause are still the same as before, with the advantage of being

more tried, more inured to danger and hardship, and more endeared to one another, by their various and great experiences, as well of their own hearts as their fellow-brethren. These are the same still in heart and desire after the same thing, which is, that, being freed out of the hands of their enemies, they may serve the Lord without fear, in holiness and righteousness all the days of their life.

As they have had this great good finally in their aims (if declarations to men and appeals to God signify anything), so, as a requisite to attain this, they did with great cheerfulness and unanimity draw out themselves to the utmost in the maintenance of a war, when all other means, first essayed, proved ineffectual. In the management of this war, it pleased God, the righteous Judge (who was appealed to in the controversy), so to bless the counsel and forces of the persons concerned and engaged in this cause, as in the end to make them absolute and complete conquerors over their common enemy; and by this means they had added unto the natural right which was in them before (and so declared by their representatives in Parliament assembled), the right of conquest, for the strengthening of their just claim to be governed by national councils, and successive representatives of their own election and setting up. This they once thought they had been in possession of, when it was ratified, as it were, in the blood of the last king. But of late a great interruption having happened unto them in their former expectations, and, instead thereof, something rising up that seems rather accommodated to the private and selfish interest of a particular part (in comparison) than truly adequate to the common good and concern of the whole body engaged in this cause: hence it is that this compacted body is now falling asunder into many dissenting parts (a thing not unforeseen nor un hoped for by the common enemy all along as their last relief); and if these breaches be not timely healed, and the offences (before they take too deep root) removed, they will certainly work more to the advantage of the common enemy than any of their own unwearied endeavours and dangerous contrivances in foreign parts put all together.

A serious discussion and sober enlarging upon these grounds will quickly give an insight into the state of the question, and naturally tend to a plain and familiar resolution thereof.

That which is first to be opened is the nature and goodness of the cause; which, had it not carried in it its own evidence, would scarce have found so many of the people of God adherers

to it within the three nations, contributing either their counsels, their purses, their bodily pains, or their affections and prayers, as a combined strength; without which, the military force alone would have been little available to subdue the common enemy, and restore to this whole body their just natural rights in civil things, and true freedom in matters of conscience.

The two last-mentioned particulars, rightly stated, will evidence sufficiently the nature and goodness of this cause.

For the first of these, that is to say, the natural right, which the whole party of honest men adhering to this cause are by success of their arms restored unto, fortified in, and may claim as their undeniable privilege, that righteously cannot be taken from them, nor they debarred from bringing into exercise, it lies in this :

They are to have and enjoy the freedom (by way of dutiful compliance and condescension from all the parts and members of this society) to set up meet persons in the place of supreme judicature and authority among them, whereby they may have the use and benefit of the choicest light and wisdom of the nation that they are capable to call forth, for the rule and government under which they will live; and through the orderly exercise of such measure of wisdom and counsel as the Lord in this way shall please to give unto them, to shape and form all subordinate actings and administrations of rule and government so as shall best answer the public welfare and safety of the whole.

This, in substance, is the right and freedom contained in the nature and goodness of the cause wherein the honest party have been engaged; for in this all the particulars of our civil right and freedom are comprehended, conserved in, and derived from their proper root; in which, while they grow, they will ever thrive, flourish, and increase; whereas, on the contrary, if there be never so many fair branches of liberty planted on the root of a private and selfish interest, they will not long prosper, but must, within a little time, wither and degenerate into the nature of that whereinto they are planted; and hence, indeed, sprung the evil of that government which rose in and with the Norman Conquest.

The root and bottom upon which it stood was not public interest, but the private lust and will of the conqueror, who by force of arms did at first detain the right and freedom which was and is due to the whole body of the people; for whose safety and good, government itself is ordained by God, not for the particular benefit of the rulers, as a distinct and private interest of their own; which yet, for the most part, is not only preferred

before the common good, but upheld in opposition thereunto. And as at first the conqueror did, by violence and force, deny this freedom to the people, which was their natural right and privilege, so he and his successors all along lay as bars and impediments to the true national interest and public good, in the very national councils and assemblies themselves, which were constituted in such a manner as most served for the upholding of the private interest of their families; and this being challenged by them as their prerogative, was found by the people assembled in Parliament most unrighteous, burdensome, and destructive to their liberty. And when they once perceived that by this engine all their just rights were like to be destroyed especially (being backed, as it was, with the power of the militia, which the late king, for that purpose, had assumed into his hands, and would not, upon the people's application to him in Parliament, part with into the hands of that great council, who were best to be intrusted with the nation's safety), this was the ground of the quarrel, upon a civil account between the king and his party, and the whole body of adherents to the cause of the people's true liberty; whereof this short touch hath been given, and shall suffice for the opening of the first branch of this clause.

The second branch which remains briefly to be handled is that which also upon the grounds of natural right is to be laid claim unto, but distinguishes itself from the former as it respects a more heavenly and excellent object wherein the freedom is to be exercised and enjoyed, that is to say, matters of religion, or that concern the service and worship of God.

Unto this freedom the nations of the world have right and title by the purchase of Christ's blood, who, by virtue of his death and resurrection, is become the sole Lord and Ruler in and over the conscience; for to this end Christ died, rose, and revived, that he might be Lord both of the dead and of the living, and that every one might give an account of himself, in all matters of God's worship unto God and Christ alone, as their own Master, unto whom they stand or fall in judgment, and are not in these things to be oppressed, or brought before the judgment-seats of men. For why shouldst thou set at naught thy brother in matters of his faith and conscience, and herein intrude into the proper office of Christ, since we are all to stand at the judgment-seat of Christ, whether governors or governed, and by his decision only are capable of being declared with certainty to be in the right or in the wrong?

By virtue, then, of this supreme law, sealed and confirmed

in the blood of Christ unto all men (whose souls he challenges a propriety in, to bring under his inward rule in the service and worship of God), it is that all magistrates are to fear and forbear intermeddling with giving rule or imposing in those matters. They are to content themselves with what is plain in their commission, as ordained of God to be his minister unto men for good, while they approve themselves the doers of that which is good in the sight of men, and whereof earthly and worldly judicatures are capable to make a clear and perfect judgment: in which case the magistrate is to be for praise and protection to them. In like manner, he is to be a minister of terror and revenge to those that do evil in matters of outward practice, converse, and dealings in the things of this life between man and man, for the cause whereof the judicatures of men are appointed and set up. But to exceed these limits, as it is not safe or warrantable for the magistrate (in that he who is higher than the highest, regards, and will show himself displeased at it), so neither is it good for the people, who hereby are nourished up in a biting, devouring, wrathful spirit one against another, and are found transgressors of that royal law which forbids us to do that unto another which we would not have them do unto us, were we in their condition.

This freedom, then, is of high concern to be had and enjoyed, as well for the magistrate's sake as for the people's common good; and it consists, as hath been said, in the magistrate forbearing to put forth the power of rule and coercion in things that God hath exempted out of his commission: so that all care requisite for the people's obtaining this may be exercised with great ease, if it be taken in its proper season, and that this restraint be laid upon the supreme power before it be erected, as a fundamental constitution, among others, upon which the free consent of the people is given, to have the persons brought into the exercise of supreme authority over them and on their behalf; and if, besides, as a further confirmation hereunto, it be acknowledged the voluntary act of the ruling power, when once brought into a capacity of acting legislatively, that herein they are bound up, and judge it their duty so to be (both in reference to God, the institutor of magistracy, and in reference to the whole body by whom they are intrusted), this great blessing will hereby be so well provided for that we shall have no cause to fear, as it may be ordered.

By this means a great part of the outward exercise of anti-Christian tyranny and bondage will be plucked up by the very roots, which, till some such course be held in it, will be always

apt to renew and sprout out afresh, under some new form or refined appearances, as by late years' experience we have been taught: for, since the fall of the bishops and persecuting presbyteries, the same spirit is apt to arise in the next sort of clergy that can get the ear of the magistrate, and pretend to the keeping and ruling the conscience of the governors, although this spirit and practice hath been all along decried by the faithful adherents to this cause as a most sore oppression and insufferable yoke of bondage, most unrighteously kept up over the consciences of the people, and therefore judged by them most needful to be taken out of the way; and in this matter the present governors have been willing very eminently to give their testimony in their public declarations, however in practice there is much of grievance yet found among us, though more, in probability, from the officiousness of subordinate ministers than any clear purpose or design of the chief in power.

Having thus showed what the true freedom is, in both the branches of it, that shines forth in the righteous cause, wherein the good people of these nations have so deeply engaged, it will not be improper, in the next place, to consider two particulars more that give still farther light into the matter in question, as, first, the qualifications of the persons that have adhered to this cause; secondly, the capacity wherein they have been found from time to time carrying it on.

As to their qualification, they have, in the general, distinguished themselves and been made known by a forwardness to assist and own the public welfare and good of the nation, for the attaining and preserving the just rights and liberties thereof, asserted and witnessed unto in the true stating of this cause, according to the two branches thereof already spoken to. They have showed themselves, upon all occasions, desirers and lovers of true freedom, either in civils or in spirituals, or in both. To express their value thereof, and faithfulness to the same, they have largely contributed, in one kind or other, what was proper to each in his place to do; which actions of theirs proceeding from hearts sincerely affected to the cause, created in them a right to be of an incorporation and society by themselves, under the name of the good party, having been from the beginning unto this day publicly and commonly so acknowledged, by way of distinction from all neuters, close and open enemies, and deceitful friends or apostates. These, in order to the maintaining of this cause, have stood by the army, in defence and support thereof, against all opposition whatever, as those that, by the growing light of these times, have been taught and led

forth in their experiences to look above and beyond the letter, form, and outward circumstances of government, into the inward reason and spirit thereof, herein only to fix and terminate, to the leaving behind all empty shadows that would obtrude themselves in the place of true freedom.

Secondly, as to the capacity wherein these persons, thus qualified, have acted, it hath been very variable, and subject to great changes: sometimes in one form, and sometimes in another, and very seldom, if ever at all, so exactly and in all points consonant to the rule of former laws and constitutions of government as to be clearly and fully justified by them any longer than the law of success and conquest did uphold them who had the inward warrant of justice and righteousness to encourage them in such their actings.

The utmost and last reserve, therefore, which they have had, in case all other failed, hath been their military capacity, not only strictly taken for the standing army, but in the largest sense, wherein the whole party may (with the army, and under that military constitution and conduct which, by the providence of God, they shall then be found in) associate themselves in the best order they can for the common defence and safety of the whole; as not ignorant that when once embodied in this their military posture, in such manner as by common consent shall be found requisite for the safety of the body, they are most irresistible, absolute, and comprehensive in their power, having that wherein the substance of all government is contained, and under the protection whereof, and safety that may be maintained thereby, they can contrive and determine in what manner this irresistible, absolute, and boundless power, unto which they are now arrived in this their military capacity, shall have just and due limits set unto it, and be drawn out in a meet and orderly way of exercise for the commonweal and safety of the whole body, under the rule and oversight of a supreme judicature, unto the wisdom of whose laws and orders the sword is to become most entirely subject and subservient; and this without the least cause of jealousy or unsafety, either to the standing army, or any member thereof, or unto the good people adhering to this cause, or any of them, since the interest of both, by this mutual action of either, will be so combined together in one (even in that wherein before they were distinct), that all just cause of difference, fear, animosity, emulation, jealousy, or the like, will be wholly abolished and removed.

For when once the whole body of the good people find that the military interest and capacity is their own, and that into

which necessity at the last may bring the whole party (whereof, of right, a place is to be reserved for them), and that herein they are so far from being in subjection or slavery, that in this posture they are most properly sovereign, and possess their right of natural sovereignty, they will presently see a necessity of continuing ever one with their army, raised and maintained by them for the promoting this cause against the common enemy, who in his next attempt will put for all with greater desperateness and rage than ever.

Again, when once the standing army and their governors shall also find that, by setting and keeping up themselves in a divided interest from the rest of the body of honest men, they withhold from themselves those contributions in all voluntary and cheerful assistances, by the affections and prayers, by the persons and purses of the good party, to the weakening themselves thereby, as to any vigorous support from them, in the times of most imminent danger (whereof the late king had an experience, that will not suddenly be out of memory, when he undertook the war, in the beginning of these troubles, against the Scots, and was, in a manner, therein deserted by all the good party in England), they will then find (if they stay not till it be too late) that, by espousing the interest of the people, in submitting themselves with their fellow-adherents to the cause, under the rule and authority of their own supreme judicature, they lose not their power or sovereignty, but, becoming one civil or politic incorporation with the whole party of honest men, they do therein keep the sovereignty, as originally seated in themselves, and part with it only but as by deputation and representation of themselves, when it is brought into an orderly way of exercise, by being put into the hands of persons chosen and intrusted by themselves to that purpose.

By this mutual and happy transition, which may be made between the party of honest men in the three nations virtually in arms, and those actually so now in power at the head of the army, how suddenly would the union of the whole body be consolidated, and made so firm as it will not need to fear all the designs and attempts of the common enemy, especially if herein they unite themselves in the first place to the Lord, as willing to follow his providence, and observe his will in the way and manner of bringing this to pass! in which case we shall not need to fear what all the gates of hell are able to do in opposition thereunto.

It is not, then, the standing and being of the present army and military forces in the three nations that is liable to excep

tion of offence from any dissenting judgments at this time among the honest, well-affected party. In and with them, under God, stand the welfare and outward safety of the whole body; and to be enemies to them, or wish them hurt, were to do it to themselves; and, by trying such conclusions, to play the game of the common enemy, to the utter ruin and destruction, not only of the true freedom aimed at and contended for in the late wars, but of the very persons themselves that have been in any sort active or eminent promoters thereof.

The army, considered as it is in the hands of an honest and wise general, and sober, faithful officers, embodied with the rest of the party of honest men, and espousing still the same cause, and acting in their primitive simplicity, humility, and trust, in reference to the welfare and safety of the whole body, is the only justifiable and most advantageous posture and capacity that the good party at present can find themselves in, in order to the obtaining that true freedom they have fought for, and possessing of it in the establishment thereof upon the true basis and foundation, as hath been showed, of right government.

That wherein the offence lies, and which causes such great thoughts of heart among the honest party (if it may be freely expressed, as sure it may, when the magistrate himself professes he doth but desire and wait for conviction therein), is, in short, this:

That when the right and privilege is returned, nay, is restored by conquest unto the whole body (that forfeited not their interest therein), of freely disposing themselves in such a constitution of righteous government as may best answer the ends held forth in this cause; that, nevertheless, either through delay they should be withheld as they are, or through design they should come at last to be utterly denied the exercise of this their right, upon pretence that they are not in capacity as yet to use it, which, indeed, hath some truth in it, if those that are now in power, and have the command of the arms, do not prepare all things requisite thereunto, as they may, and, like faithful guardians to the Commonwealth, admitted to be in its nonage, they ought.

But if the bringing of true freedom into exercise among men, yea, so refined a party of men, be impossible, why hath this been concealed all this while? and why was it not thought on before so much blood was spilt, and treasure spent? Surely such a thing as this was judged real and practicable, not imaginary and notional.

Besides, why may it not suffice to have been thus long de-

layed and withheld from the whole body, at least as to its being brought by them into exercise now at last? Surely the longer it is withheld, the stronger jealousies do increase, that it is intended to be assumed and engrossed by a part only, to the leaving the rest of the body (who, in all reason and justice, ought to be equally participants with the other in the right and benefit of the conquest, for as much as the war was managed at the expense and for the safety of the whole) in a condition almost as much exposed, and subject to be imposed upon, as if they had been enemies and conquered, not in any sense conquerors.

If ever such an unrighteous, unkind, and deceitful dealing with brethren should happen, although it might continue above the reach of question from human judicature, yet can we think it possible it should escape and go unpunished by the immediate hand of the righteous Judge of the whole world, when he ariseth out of his place to do right to the oppressed?

Nay, if, instead of favouring and promoting the people's common good and welfare, self-interest and private gain should evidently appear to be the things we have aimed at all along; if those very tyrannical principles and anti-Christian relics, which God by us hath punished in our predecessors, should again revive, spring up afresh, and show themselves lodged also and retained in our bosoms, rendering us of the number of those that have forgot they were purged from their old sins, and declaring us to be such as, to please a covetous mind, do withhold from destruction that which God hath designed to the curse of his vengeance: if all those great advantages of serving the Lord's will and design in procuring and advancing his people's true welfare and outward safety, which (as the fruit of his blessing upon our armies) have so miraculously fallen into our hands, shall at last be wrested and misimproved to the enriching and greatening of ourselves—if these things should ever be found among us (which the Lord in mercy forbid!), shall we need to look any farther for the accursed thing? will not our consciences show us, from the light of the Word and Spirit of God, how near a conformity these actions would hold therewith? which sin (Josh., vii.) became a curse to the camp, and withheld the Lord from being any more among them, or going out with their forces. And did the action of Achan import any more than these two things: First, he saved and kept from destruction the goodly Babylonish garment, which was devoted by God thereunto; secondly, he brought not in the fruit and gain of the conquest into the Lord's treasury, but covetously went about to

convert it to his own proper use? To do this is to take of the accursed thing, which (Josh., vii.) all Israel was said to do in the sin of Achan, and to have stolen and dissembled likewise, and put it among their own stuff. This caused the anger of the Lord to kindle against Israel, and made them unable to stand before their enemies, but their hearts melted as water. And thus far the Lord is concerned, if such an evil as this shall lie hid in the midst of us. But to return to what we were upon before.

The matter which is in question among the dissenting parts of the whole body of honest men is not so trivial and of such small consequence as some would make it. 'Tis, in effect, the main and whole of the cause; without which all the freedom which the people have or can have is in comparison but shadow and in name only, and therefore can never give that peace and satisfaction to the body which is requisite unto a durable and solid settlement. This is that which makes all sound and safe at the root, and gives the right balance necessary to be held up between sovereignty and subjection in the exercise of all righteous government; applying the use of the sword to the promoting and upholding the public safety and welfare of the whole body, in preference, and, if need be, in opposition unto any of the parts; while yet, by its equal and impartial administration in reference unto each, it doth withal maintain the whole body in a most delightful harmony, welfare, and correspondency. The sword never can, nor is it to be expected ever will do this, while the sovereignty is admitted and placed anywhere else than in the whole body of the people that have adhered to the cause, and by them be derived unto their successive representatives, as the most equal and impartial judicature for the effecting hereof.

Where there is, then, a righteous and good constitution of government, there is, first, an orderly union of many understandings together, as the public and common supreme judicature or visible sovereignty, set in a way of free and orderly exercise, for the directing and applying the use of the ruling power or the sword, to promote the interest and common welfare of the whole, without any disturbance or annoyance from within or from without; and then, secondly, there is a like union and readiness of will in all the individuals, in their private capacities, to execute and obey (by all the power requisite, and that they are able to put forth) those sovereign laws and orders issued out by their own deputies and trustees.

A supreme judicature, thus made the representative of the whole, is that which, we say, will most naturally care, and most

equally provide for the common good and safety. Though by this it is not denied but that the supreme power, when by free consent 'tis placed in a single person or in some few persons, may be capable also to administer righteous government; at least, the body that gives this liberty, when they need not, are to thank themselves if it prove otherwise. But when this free and natural access unto government is interrupted and declined, so as a liberty is taken by any particular member, or number of them, that are to be reputed but a part in comparison of the whole, to assume and engross the office of sovereign rule and power, and to impose themselves as the competent public judge of the safety and good of the whole, without their free and due consent, and to lay claim unto this, as those that find themselves possessed of the sword (and that so advantageously as it cannot be recovered again out of their hands without more apparent danger and damage to the whole body than such attempts are worth), this is that anarchy that is the first rise and step to tyranny, and lays grounds of manifest confusion and disorder, exposing the ruling power to the next hand that on the next opportunity can lay hold on the sword, and so, by a kind of necessity, introduces the highest imposition and bondage upon the whole body, in compelling all the parts, though never so much against the true public interest, to serve and obey, as their sovereign rule and supreme authority, the arbitrary will and judgment of those that bring themselves into rule by the power of the sword, in the right only of a part that sets up itself in preference before, or at least in competition with, the welfare of the whole.

And if this, which is so essential to the wellbeing and right constitution of government, were once obtained, the disputes about the form would not prove so difficult, nor find such opposition, as to keeping the bone of contention and disunion, with much danger to the whole; for if, as the foundation of all, the sovereignty be acknowledged to reside originally in the whole body of adherents to this cause (whose natural and inherent right thereunto is of a far ancients date than what is obtained by success of their arms, and so cannot be abrogated even by conquest itself, if that were the case), and then if, in consequence hereof, a supreme judicature be set up and orderly constituted, as naturally arising and resulting from the free choice and consent of the whole body taken out from among themselves, as flesh of their flesh and bone of their bone, of the same public spirit and nature with themselves, and the main be by this means secured, what could be propounded afterward as to the form of administration that would much stick?

Would a standing council of state, settled for life, in reference to the safety of the Commonwealth, and for the maintaining intercourse and commerce with foreign states, under the inspection and oversight of the supreme judicature, but of the same fundamental constitution with themselves — would this be disliked? admitting their orders were binding, in the intervals of supreme national assemblies, so far only as consonant to the settled laws of the Commonwealth, the vacancy of any of which, by death or otherwise, might be supplied by the vote of the major part of themselves: nay, would there be any just exception to be taken if (besides both these) it should be agreed (as another part of the fundamental constitution of the government) to place that branch of sovereignty which chiefly respects the execution of laws in a distinct office from that of the legislative power (and yet subordinate to them and to the laws), capable to be intrusted into the hands of one single person, if need require, or in a greater number, as the legislative power should think fit; and, for the greater strength and honour unto this office, that the execution of all laws and orders (that are binding) may go forth in his or their name, and all disobedience thereunto, or contempt thereof, be taken as done to the people's sovereignty, whereof he or they bear the image or representation, subordinate to the legislative power, and at their will to be kept up and continued in the hands of a single person or more, as the experience of the future good or evil of it shall require?

Would such an office as this, thus stated, carry in it any inconsistency with a free state? Nay, if it be well considered, would it not rather be found of excellent use to the wellbeing of magistracy, founded upon this righteous bottom, that such a lieutenancy of the people's sovereignty in these three nations may always reside in some one or more person, in whose administration that which is reward and punishment may shine forth?

And if now it shall be objected that (notwithstanding all these cautions), should once this sovereignty be acknowledged to be in the diffused body of the people (though the adherents to this cause, not only as their natural, but as their acquired right by conquest), they would suddenly put the use and exercise of the legislative power into such hands as would, through their ill qualifiedness to the work, spoil all by mal-administration thereof, and hereby lose the cause instead of upholding and maintaining it,

The answer unto this is, first, that God, by his providence, hath eased our minds much in this solicitude by the course he

hath already taken to fit and prepare a choice and selected number of the people unto this work, that are tried and refined by their inward and outward experiences in this great quarrel, and the many changes they have passed through; in respect whereof well qualified persons are to be found, if due care be but taken in the choice of them. And if herein this people of the Lord shall be waiting upon him for his guidance and presence with them, we may have grounds and hope that God (whose name hath all along been called upon in the maintaining of this cause) will pour out so abundantly of his spirit upon his people attending on him in righteous ways, and will also so move their hearts to choose persons bearing his image into the magistracy, that a more glorious product may spring up out of this than at first we can expect, to the setting up of the Lord himself as chief judge and lawgiver among us. And unto this the wisdom and honesty of the persons now in power may have an opportunity eminently to come into discovery; for in this case, and upon the grounds already laid, the very persons now in power are they unto whose lot it would fall to set about this preparatory work, and by their orders and directions to dispose the whole body, and bring them into the meetest capacity to effect the same, the most natural way for which would seem to be by a general council, or convention of faithful, honest, and discerning men, chosen for that purpose by the free consent of the whole body of adherents to this cause in the several parts of the nations, and observing the time and place of meeting appointed to them (with other circumstances concerning their election) by order from the present ruling power, but considered as general of the army:

Which convention is not properly to exercise the legislative power, but only to debate freely, and agree upon the particulars that by way of fundamental constitutions shall be laid and inviolably observed as the conditions upon which the whole body so represented doth consent to cast itself into a civil and politic incorporation, and under the visible form and administration of government therein declared, and to be by each individual member of the body subscribed in testimony of his or their particular consent given thereunto: which conditions so agreed (and among them an Act of Oblivion for one) will be without danger of being broken or departed from, considering of what it is they are the conditions, and the nature of the convention wherein they are made, which is of the people represented in their highest state of sovereignty, as they have the sword in their hands unsubjected unto the rules of civil government, but

what themselves orderly assembled for that purpose do think fit to make. And the sword, upon these conditions, subjecting itself to the supreme judicature thus to be set up, how suddenly might harmony, righteousness, love, peace, and safety unto the whole body follow hereupon, as the happy fruit of such a settlement, if the Lord have any delight to be among us!

And this once put in a way, and declared for by the general and army (as that which they are clearly convinced, in the sight of God, is their duty to bring about, and which they engage accordingly to see done) how firmly and freely would this oblige the hearts and persons, the counsels and purses, the affections and prayers, with all that is in the power of this whole party to do, in way of assistance and strengthening the hands of those now in power, whatever straits and difficulties they may meet with in the maintenance of the public safety and peace!

This, then, being the state of our present affairs and differences, let it be acknowledged on all hands, and let all be convinced that are concerned, that there is not only a possibility, but a probability, yea, a compelling necessity, of a firm union in this great body, the setting of which in joint and tune again, by a spirit of meekness and fear of the Lord, is the work of the present day, and will prove the only remedy under God to uphold and carry on this blessed cause and work of the Lord in the three nations, that is already come thus far onward in its progress to its desired and expected end of bringing in Christ, the desire of all nations, as the chief Ruler among us.

Now unto this reuniting work let there be a readiness in all the dissenting parts from the highest to the lowest, by cheerfully coming forth to one another in a spirit of self-denial and love instead of war and wrath, and to cast down themselves before the Lord, who is the father of all their spirits, in self-abasement and humiliation, for the mutual offence they have been in, for some time past, one unto another, and great provocation unto God, and reproach unto his most glorious name, who expected to have been served by them with reverence and godly fear; for our God is a consuming fire.

And, as an inducement unto this, let us assure ourselves the means of effecting it will not prove so difficult as other things that have been brought about in the late war,* if the minds and spirits of all concerned were once well and duly prepared hereunto by a kindly work of self-denial and self-abasement, set home by the spirit of the Lord upon their consciences, which, if he please, he may do we know not how soon: nay, we

shall behold with a discerning eye the inside of that work which God hath been doing among us the three years last past: it would seem chiefly to have been his aim to bring his people into such a frame as this; for in this tract of time there hath been (as we may say) a great silence in heaven, as if God were pleased to stand still and be as a looker on, to see what his people would be in their latter end, and what work they would make of it, if left to their own wisdom and politic contrivances. And as God hath had the silent part, so men, and that good men too, have had the active and busy part, and have, like themselves, made a great sound and noise, like the shout of a king in a mighty host; which, while it hath been a sound only and no more, hath not done much hurt as yet; but the fear and jealousy thereby caused hath put the whole body out of frame, and made them apt to fall into great confusions and disorder.

And if there be thus arisen a general dissent and disagreement of parts (which is not, nor ought to be, accounted the less considerable because it lies hid and kept in under a patient silence), why should there not be as general a confession and acknowledgment of what each may find themselves overtaken in, and cannot but judge themselves faulty for? this kind of vent being much better than to have it break out in flames of a forward and untimely wrathful spirit, which never works the righteousness of God, especially since what hath been done among us may probably have been more the effect of temptation than the product of any malicious design; and this sort of temptation is very common and incident to men in power (how good soever they may be) to be overtaken in, and thereupon do sudden unadvised actions, which the Lord pardons and overrules for the best, evidently making appear that it is the work of the weak and fleshly part, which his own people carry about with them too much unsubdued; and therefore the Lord thinks fit, by this means, to show them the need of being beholden to their spiritual part to restore them again, and bring them into their right temper and healthful constitution.

And thus, while each dissenting part is aggravating upon it self-faultiness and blame, and none excusing, but all confessing they deserve, in one sort or other, reproof, if not before men, yet in God's sight, who knows how soon it may please God to come into this broken, contrite, and self-denying frame of spirit in the good people within the three nations, and own them, thus truly humbled and abased, for his temple and the place of his habitation and rest, wherein he shall abide forever? of whom it may be said, God is in the midst of her, she shall not be moved;

God shall help her, and that right early, or with his morning appearance; at which time he will sit silent no longer, but Heaven will speak again, and become active and powelfru in the spirits and hearts of honest men, and in the works of his providences, when either they go out to fight by sea or by land, or remain in council and debates at home for the public weal, and again hear the prayers of his people, and visibly own them as a flock of holy men, as Jerusalem in her solemn feasts: "I will yet for this be inquired of by the house of Israel, saith the Lord, to do it for them: and then they shall know that I the Lord their God am with them, and that they are my people, and that ye my flock, the flock of my pasture, are men that have showed yourselves weak, sinful men, and I am your God, that have declared myself an all-wise and powerful God, saith the Lord God."

POSTSCRIPT.

READER,—Upon the perusal of this discourse, thou wilt quickly perceive that these two things are principally aimed at in it by the author: First, to answer in some measure that which is called for by those in power, when they publicly profess they desire nothing more than conviction, and to find out the hidden provocations which either have or yet may bring forth the Lord against these nations, in the way which at present they are in.

Secondly, to remove out of the minds and spirits of the honest party, that still agree in the reason and justice of the good old cause, all things of a private nature and selfish concern (the tendency whereof serves but to foment and strengthen wrath and divisions among them), and in place thereof to set before them that common and public interest, which, if with sincerity embraced, may be the means of not only procuring a firm union among them, but also of conserving them herein.

In order to this, the author hath not been willing so much to declare his own opinion, or deliver any positive conclusions, as to discuss the business by way of question and answer, and thereby make as near a conjecture as he can of that wherein the several dissenting parts may with better satisfaction meet together, and agree upon a safe and righteous bottom, than to remain at the distance they do, to the apparent advantage of the common enemy, the approaching ruin of themselves, and needless hazard, if not loss, of the cause they have been so deeply engaged in; especially considering that, when once they shall be found beginning to come forth to one another in such a condescending, self-denying spirit, cleansed from the stain of

hypocrisy and deceit, they may be well assured that light will spring up among them more and more unto a perfect day; and then those things which at present we have next in view, will prove as shadows ready to flee away before the morning brightness of Christ's heavenly appearance and second coming, through which they will be heightened and improved to their full maturity, to the bringing in that kingdom of his that shall never be moved.

And because an essay hath been already made in a private way to obtain the first thing, that is to say, conviction, which chiefly is in the hand of the Lord to give, the same obligation lies upon the author, with respect to the second, for the exposing of it as now it is unto public view, and therein leaving it also with the Lord for his blessing thereunto.

Sir Henry Vane's famous tract, "A Healing Question," etc., was published in 1656, as a response to Cromwell's proclamation of March 14, 1656, calling upon the people to observe a general fast for the purpose of "applying themselves to the Lord to discover the Achan who had so long obstructed the settlement of these distracted kingdoms." "In this treatise," says Forster (see his life of Vane, in his *Statesmen of the Commonwealth*), "Vane enforced his old doctrines of civil and religious liberty, and added some theories and recommendations concerning the construction of a civil government, which are in the last degree striking and memorable. He here proposed, in fact, for the first time in the records of history, the expedient of organizing a government 'on certain fundamentals not to be dispensed with,' which was thought 'visionary' and impracticable by the world till the world learned to venerate the name of Washington." The way which Vane proposed for establishing a constitution, namely, by a general council or convention chosen for the purpose, was, as Forster observes, "exactly that which more than a century after was adopted by Washington and his immortal associates."

"This production," says Upham (see chap. xii of his life of Vane, in Sparks's *American Biography*, vol. iv), is one of the most remarkable political papers ever written. It contains the great principles of civil and religious liberty in a complete exposition, and lays down the rules to be observed in constructing a civil government. It develops and illustrates, perhaps it may with safety be said, for the first time, the idea of a written constitution or body of fundamental laws, by which the government itself is to be controlled, restrained and limited. The paper signed by the Pilgrims, in the Mayflower, on the 11th of November, 1620, previous to their landing at Plymouth, is one of the most interesting documents in the history of civilization; but, as it is merely an agreement to form a political society, and does not contain any restrictions upon the future government of the society, it cannot be considered as a *Constitution*. This plan [proposed by Vane] of a constitution, to be agreed upon in the beginning, by which the people impose restrictions upon the exercise of their own sovereignty and fix the boundaries within which their own legislative and civil power shall be confined, constitutes the great peculiarity of the governments, federal and state, within the American Union."

It is important here, however, when considering the question of the origin of written constitutions, to remember the "Instrument of Government," by which Cromwell's protectorate was instituted. This "Instrument of Government," in forty-two articles, drawn up by Lambert and others, and adopted by the Council of State in December, 1653, was strictly a written constitution. For the provisions and nature of this remarkable "anticipation of modern constitutions," as Ranke calls it, see Ranke's *History of England in the Seventeenth Century*, vol. iii, p. 113, etc., and Green's *History of the English People*, vol. iii, chap. xii.

But fifteen years before the "Instrument of Government" was framed in England, and eighteen years before Vane's proposition of a "fundamental constitution," on January 14, 1638, the first constitution of Connecticut was adopted by a general assembly of the planters of the three towns of Hartford, Wethersfield and Windsor, at Hartford. This was in fact the first written constitution, in the modern sense of the term, known in history. See the "Fundamental Orders of Connecticut," Old South Leaflets, No. 8.

"—Roger Williams and Sir Harry Vane, the two men deepest in thought and bravest in speech of all who spoke English in their day, and equal to any in practical statesmanship. Sir Harry Vane—in my judgment the noblest human being who ever walked the streets of yonder city—I do not forget Franklin or Sam Adams, Washington or Fayette, Garrison or John Brown. But Vane dwells an arrow's flight above them all, and his touch consecrated the continent to measureless toleration of opinion and entire equality of rights. We are told we can find in Plato 'all the intellectual life of Europe for two thousand years.' So you can find in Vane the pure gold of two hundred and fifty years of American civilization, with no particle of its dross. Plato would have welcomed him to the Academy, and Fénelon kneeled with him at the altar. He made Somers and John Marshall possible; like Carnot, he organized victory; and Milton pales before him in the stainlessness of his record. He stands among English statesmen preëminently the representative, in practice and in theory, of serene faith in the safety of trusting truth wholly to her own defence. For other men we walk backward, and throw over their memories the mantle of charity and excuse, saying reverently, 'Remember the temptation and the age.' But Vane's ermine has no stain; no act of his needs explanation or apology; and in thought he stands abreast of the age—like pure intellect, belongs to all time. Carlyle said, in years when his words were worth heeding, 'Young men, close your Byron and open your Goethe.' If my counsel had weight in these halls, I should say, 'Young men, close your John Winthrop and Washington, your Jefferson and Webster, and open Sir Harry Vane.' It was the generation that knew Vane who gave to our Alma Mater for a seal the simple pledge, Veritas." — *Wendell Phillips, in his Harvard address on the Scholar in the Republic.*



The Charter of Massachusetts Bay—1629.

CHARLES, BY THE GRACE OF GOD, Kinge of England, Scotland, Fraunce, and Ireland, Defendor of the Fayth, &c. To ALL to whome theis Presents shall come Greeting. WHEREAS, our most Deare and Royall Father, Kinge James, of blessed Memory, by his Highnes Letters-patents bearing Date at Westminster the third Day of November, in the eighteenth Yeare of his Raigne, HATH given and graunted vnto the Councell established at Plymouth, in the County of Devon, for the planting, ruling, ordering, and governing of Newe England in America, and to their Successors and Assignes for ever, all that Parte of America, lyeing and being in Bredth, from Forty Degrees of Northerly Latitude from the Equinoctiall Lyne, to forty eight Degrees of the saide Northerly Latitude inclusively, and in Length, of and within all the Breadth aforesaid, throughout the Maine Landes from Sea to Sea; together also with all the Firme Landes, Soyles, Groundes, Havens, Portes, Rivers, Waters, Fishing, Mynes, and Myneralls, aswell Royall Mynes of Gould and Silver, as other Mynes and Mineralls, precious Stones, Quarries, and all and singular other Comodities, Jurisdiccōns, Royalties, Privileges, Franchesies, and Prehemy-nences, both within the said Tract of Land vpon the Mayne, and also within the Islandes and Seas adioining: PROVIDED alwayes, That the saide Islandes, or any of the Premisses by the said Letters-patens intended and meant to be graunted, were not then actuallie possessed or inhabited, by any other Christian Prince or State, nor within the Boundes, Lymitts, or Territories of the Southerne Colony, then before graunted by our saide Deare Father, to be planted by divers of his loveing Subiects in the South Partes. To HAVE and to houlde, posses, and enioy all and singular the aforesaid Continent, Landes, Territories, Islandes, Hereditaments, and Precincts, Seas

Waters, Fishings, with all, and all Manner their Commodities, Royalties, Liberties, Prehemynences, and Proffitts that should from thenceforth arise from thence, with all and singuler their Appurtenances, and every Parte and Parcell thereof, vnto the saide Councell and their Successors and Assignes for ever, to the sole and proper Vse, Benefitt, and Behoofe of them the saide Councell, and their Successors and Assignes for ever: To be houlden of our saide most Deare and Royall Father, his Heires and Successors, as of his Mannor of East Greene-wich in the County of Kent, in free and common Soccage, and not in Capite nor by Knight's Service: YEILDINGE and paying therefore to the saide late Kinge, his Heires and Successors, the fiftte Parte of the Oare of Gould and Silver, which should from tyme to tyme, and at all Tymes then after happen to be found, gotten, had, and obteyned in, att, or within any of the saide Landes, Lymitts, Territories, and Precincts, or in or within any Parte or Parcell thereof, for or in Respect of all and all Manner of Duties, Demaunds, and Services whatsoever, to be don, made, or paide to our saide Dear Father the late Kinge his Heires and Successors, as in and by the saide Letters-patents (amongst sundrie other Clauses, Powers, Privileges, and Grauntes therein conteyned, more at large appeareth): AND WHEREAS, the saide Councell established at Plymouth, in the County of Devon, for the plantinge, ruling, ordering, and governing of Newe England in America, have by their Deede, indented vnder their Common Seale, bearing Date the nyneteenth Day of March last past, in the third Yeare of our Raigne, given, graunted, bargained, sould, enfeofed, aliened, and confirmed to Sir Henry Rosewell, Sir John Young, Knights, Thomas Southcott, John Humphrey, John Endecott, and Symon Whetcombe, their Heires and Assignes, and their Associats for ever, all that Parte of Newe England in America aforesaid, which lyes and extendes betweene a greate River there Commonlie called Monomack alias Merriemack, and a certen other River there, called Charles River, being in the Bottome of a certayne Bay there, comonlie called Massachusetts, alias Mattachusetts, alias Massatusetts Bay, and also all and singuler those Landes and Hereditaments whatsoever, lyeing within the Space of three English Myles on the South Parte of the said Charles River, or of any, or everie Parte thereof; and also, all and singuler the Landes and Hereditaments whatsoever, lyeing and being within the Space of three English Myles to the Southwarde of the Southermost Parte of the saide Bay called Massachusetts, alias Mattachusetts, alias Massatusetts Bay.

and also, all those Landes and Hereditaments whatsoever, which lye, and be within the space of three English Myles to the Northward of the said River called Monomack, alias Merrymack, or to the Northward of any and every Parte thereof, and all Landes and Hereditaments whatsoever, lying within the Lymitts aforesaide, North and South in Latitude and bredth, and in Length and Longitude, of and within all the Bredth aforesaide, throughout the Mayne Landes there, from the Atlantick and Western Sea and Ocean on the East Parte, to the South Sea on the West Parte; and all Landes, and Groundes, Place and Places, Soyles, Woodes and Wood Groundes, Havens, Portes, Rivers, Waters, Fishings, and Hereditaments whatsoever, lying within the said Boundes and Lymytts, and everie Parte and Parcell thereof; and also, all Islandes lying in America aforesaide, in the saide Seas or either of them on the Western or Eastern Coastes or Partes of the said Tractes of Lande, by the saide Indenture mencōed to be given, graunted, bargained, sould, enfeofed, aliened, and confirmed, or any of them; and also, all Mynes and Myneralls, as well Royall Mynes of Gould and Silver, as other Mynes and Myneralls whatsoever, in the saide Lands and Premisses, or any Parte thereof; and all Jurisdictiōns, Rights, Royalties, Liberties, Freedomes, Ymmunities, Privileges, Franchises, Preheminences, and Commodities whatsoever, which they, the said Councell established at Plymouth, in the County of Devon, for the planting, ruling, ordering, and governing of Newe England in America, then had, or might vse, exercise, or enjoy, in or within the saide Landes and Premisses by the saide Indenture mencōed to be given, graunted, bargained, sould, enfeofed, and confirmed, or in, or within any Parte or Parcell thereof: To HAVE and to hould, the saide Parte of Newe England in America, which lyes and extends and is abutted as aforesaide, and every Parte and Parcell thereof; and all the saide Islandes, Rivers, Portes, Havens, Waters, Fishings, Mynes, and Myneralls, Jurisdictiōns, Franchises, Royalties, Liberties, Privileges, Commodities, Hereditaments, and Premisses whatsoever, with the Appurtenances vnto the saide Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, their Heires and Assignes, and their Associatts, to the onlie proper and absolute vse and Be-hoofe of the said Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whettcombe, their Heires and Assignes, and their Associatts forevermore; To BE HOULDEN of Vs, our Heires and Successors,

as of our Mannor of Eastgreenwich, in the County of Kent, in free and coñon Soccage, and not in Capite, nor by Knightes Service; YEILDING and payeing therefore vnto Vs, our Heires and Successors, the fifte Parte of the Oare of Goulde and Silver, which shall from Tyme to Tyme, and at all Tymes hereafter, happen to be founde, gotten, had, and obteyned in any of the saide Landes, within the saide Lymitts, or in or within any Parte thereof, for, and in Satisfaccon of all manner Duties, Demaundes, and Services whatsoever to be donn, made, or paid to Vs, our Heires or Successors, as in and by the said recited Indenture more at large maie appeare. NOWE Knowe Yee, that Wee, at the humble Suite and Peticon of the saide Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, and of others whome they have associated vnto them, HAVE, for divers good Causes and consideracons, vs moveing, graunted, and confirmed, and by theis Presents of our especiall Grace, certen Knowledge, and meere Mocon, doe graunt and confirme vnto the saide Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, and to their Associatts hereafter named; (videlicet) Sir Richard Saltonstall, Knight, Isaack Johnson, Samuel Aldersey, John Ven, Mathew Cradock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniell Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcrofte, their Heires and Assignes, all the saide Parte of Newe England in America, lyeing and extending betweene the Boundes and Lymytts in the said recited Indenture expressed, and all Landes and Groundes, Place and Places, Soyles, Woods and Wood Groundes, Havens, Portes, Rivers, Waters, Mynes, Mineralls, Jurisdiccõs, Rightes, Royalties, Liberties, Freedomes, Immunities, Priviledges, Franchises, Preheminences, Hereditaments, and Comodities whatsoever, to them the saide Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, their Heires and Assignes, and to their Associatts, by the saide recited Indenture, given, graunted, bargayned, solde, enfeoffed, aliened, and confirmed, or mencõed, or intended thereby to be given, graunted, bargayned, sold, enfeoffed, aliened, and confirmed: TO HAVE, and to hould, the saide Parte of Newe England in America, and other the Premisses hereby mencõed to be graunted and confirmed, and every Parte and Parcell thereof

with the Appurtenances, to the saide Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Isaack Johnson, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuell Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, Samuel Aldersey, John Ven, Mathewe Cradock, George Harwood, Increase Nowell, William Vassall, William Pinchion, and George Foxcrofte, their Heires and Assignes forever, to their onlie proper and absolute Vse and Behoofo for evermore; To be holden of Vs, our Heires and Successors, as of our Mannor of Eastgreenewich aforesaid, in free and comon Socage, and not in Capite, nor by Knights Service; AND ALSO YIELDING and paying therefore to Vs, our Heires and Successors, the fifte parte onlie of all Oare of Gould and Silver, which from tyme to tyme, and att all tymes hereafter shalbe there gotten, had, or obteyned, for all Services, Exaccōns and Demaundes whatsoever, according to the Tenure and Reservacon in the said recited Indenture expressed. AND FURTHER, knowe yee, that of our more especiall Grace, certen Knowledg, and meere mocōn, Wee have given and graunted, and by theis Presents, doe for Vs, our Heires and Successors, give and graunte vnto the saide Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Isaack Johnson, Samuell Aldersey, John Ven, Mathewe Cradock, George Harwood, Increase Nowell, Richard Pery, Richard Bellingham, Nathaniel Wright, Samuell Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcrofte, their Heires and Assignes, all that Parte of Newe England in America, which lyes and extendes betweene a great River there, comonlie called Monomack River, alias Merrimack River, and a certen other River there, called Charles River, being in the Bottome of a certen Bay there, comonlie called Massachusetts, alias Mattachusetts, alias Massatusetts Bay; and also all and singuler those Landes and Hereditaments whatsoever, lying within the Space of Three Englishe Myles on the South Parte of the said River, called Charles River, or of any or every Parte thereof; and also all and singuler the Landes and Hereditaments whatsoever, lying and being within the Space of Three Englishe Miles to the southward of the southermost Parte of the said Baye, called Massachusetts, alias Mattachusetts, alias Massatusetts Bay: And also all those Landes and Heredita-

ments whatsoever, which lye and be within the Space of Three English Myles to the Northward of the saide River, called Monomack, alias Merrymack, or to the Norward of any and every Parte thereof, and all Landes and Hereditaments whatsoever, lyeing within the Lymitts aforesaide, North and South, in Latitude and Bredth, and in Length and Longitude, of and within all the Bredth aforesaide, throughout the mayne Landes there, from the Atlantick and Western Sea and Ocean on the East Parte, to the South Sea on the West Parte; and all Landes and Groundes, Place and Places, Soyles, Woodes, and Wood Groundes, Havens, Portes, Rivers, Waters, and Hereditaments whatsoever, lyeing within the said Boundes and Lymytts, and every Parte and Parcell thereof; and also all Islandes in America aforesaide, in the saide Seas, or either of them, on the Western or Eastern Coastes, or Partes of the saide Tracts of Landes hereby mencōed to be given and graunted, or any of them; and all Mynes and Mynerals whatsoever, in the said Landes and Premisses, or any parte thereof, and free Libertie of fishing in or within any the Rivers or Waters within the Boundes and Lymytts aforesaid, and the Seas therevnto adjoining; and all Fishes, Royal Fishes, Whales, Balan, Sturgions, and other Fishes of what Kinde or Nature soever, that shall at any time hereafter be taken in or within the saide Seas or Waters, or any of them, by the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Isaack Johnson, Samuell Aldersey, John Ven, Mathewe Cradock, George Harwood, Increase Noell, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuell Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcrofte, their Heires and Assignes, or by any other person or persons whatsoever there inhabiting, by them, or any of them, to be appointed to fishe therein. PROVIDED alwayes, That yf the said Landes, Islandes, or any other the Premisses herein before mencōed, and by theis presents, intended and meant to be graunted, were at the tyme of the graunting of the saide former Letters patents, dated the Third Day of November, in the Eighteenth Yeare of our said deare Fathers Raigne aforesaide, actuallie possessed or inhabited by any other Christian Prince or State, or were within the Boundes, Lymytts or Territories of that Southerne Colony, then before graunted by our said late Father, to be planted by divers of his loveing Subiects in the south partes of America, That then this present

Graunt shall not extend to any such partes or parcells thereof, soe formerly inhabited, or lyeing within the Boundes of the Southerne Plantacōn as aforesaide, but as to those partes or parcells soe possessed or inhabited by such Christian Prince or State, or being within the Bounders aforesaide shal be vtterlie voyd, theis presents or any Thing therein conteyned to the contrarie notwithstanding. To HAVE and hould, possesse and enjoy the saide partes of New England in America, which lye, extend, and are abutted as aforesaide, and every parte and parcell thereof; and all the Islandes, Rivers, Portes, Havens, Waters, Fishings, Fishes, Mynes, Myneralls, Jurisdictiōns, Franchises, Royalties, Liberties, Priviledges, Comodities, and Premisses whatsoever, with the Appurtenances, vnto the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Isaack Johnson, Samuell Aldersey, John Ven, Mathewe Cradock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniell Wright, Samuell Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcroft, their Heires and Assignes forever, to the onlie proper and absolute Vse and Behoufe of the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Isaac Johnson, Samuell Aldersey, John Ven, Mathewe Cradocke, George Harwood, Increase Nowell, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuell Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcroft, their Heires and Assignes forevermore: To BE HOLDEN of Vs, our Heires and Successors, as of our Manor of Eastgreenwich in our Countie of Kent, within our Realme of England, in free and comon Soccage, and not in Capite, nor by Knights Service; and also yeilding and paying therefore, to Vs, our Heires and Successors, the fifte Parte onlie of all Oare of Gould and Silver, which from tyme to tyme, and at all tymes hereafter, shal be there gotten, had, or obteyned, for all Services, Exacons, and Demaundes whatsoever; PROVIDED alwaies, and our expresse Will and Meaninge is, that onlie one fifte Parte of the Gould and Silver Oare above mencōed, in the whole, and noe more be reserved or payeable vnto Vs, our Heires and Successors, by Collour or Vertue of theis Presents, the double Reservaciōns or recitalls aforesaid or any Thing

herein conteyned notwithstanding. AND FORASMUCH, as the good and prosperous Successe of the Plantacon of the saide Partes of Newe-England aforesaide intended by the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Isaack Johnson, Samuell Aldersey, John Ven, Mathew Cradock, George Harwood, Increase Noell, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuell Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcrofte, to be speedily sett vpon, cannot but chiefly depend, next vnder the blessing of Almighty God, and the support of our Royall Authoritie vpon the good Government of the same, To the Ende that the Affaires and Buysinneses which from tyme to tyme shall happen and arise concerning the saide Landes, and the Plantation of the same maie be the better managed and ordered, WEE HAVE FURTHER hereby of our especial Grace, certen Knowledge and mere Mocōn, Given, graunted and confirmed, and for Vs, our Heires and Successors, doe give, graunt, and confirme vnto our said trustie and welbeloved subiects Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endicott, Simon Whetcombe, Isaack Johnson, Samuell Aldersey, John Ven, Mathewe Cradock, George Harwood, Increase Nowell, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuell Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcrofte: AND for Vs, our Heires and Successors, Wee will and ordeyne, That the saide Sir Henry Rosewell, Sir John Young, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endicott, Symon Whetcombe, Isaack Johnson, Samuell Aldersey, John Ven, Mathewe Cradock, George Harwood, Increase Noell, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuell Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcrofte, and all such others as shall hereafter be admitted and made free of the Company and Society hereafter mencōed, shall from tyme to tyme, and att all tymes forever hereafter be, by Vertue of theis presents, one Body corporate and politique in Fact and Name, by the Name of the Governor and Company of the Mattachusetts Bay in Newe-England, and them by the Name of the Governour and

Company of the Mattachusetts Bay in Newe-England, one Bodie politique and corporate, in Deede, Fact, and Name; Wee doe for vs, our Heires and Successors, make, ordeyne, constitute, and confirme by theis Presents, and that by that name they shall have perpetuall Succession, and that by the same Name they and their Successors shall and maie be capeable and enabled aswell to implead, and to be impleaded, and to prosecute, demaund, and aunswere, and be answered vnto, in all and singuler Suites, Causes, Quarrells, and Accons, of what kinde or nature soever. And also to have, take, possesse, acquire, and purchase any Landes, Tenements, or Hereditaments, or any Goodes or Chattells, and the same to lease, graunte, demise, alien, bargaine, sell, and dispose of, as other our liege People of this our Realme of England, or any other corporacon or Body politique of the same may lawfully doe. AND FURTHER, That the said Governour and Companye, and their Successors, maie have forever one comon Seale, to be vsed in all Causes and Occasions of the said Company, and the same Seale may alter, chaunge, breake, and newe make, from tyme to tyme, at their pleasures. And our Will and Pleasure is, and Wee doe hereby for Vs, our Heires and Successors, ordeyne and graunte, That from henceforth for ever, there shalbe one Governor, one Deputy Governor, and eightene Assistants of the same Company, to be from tyme to tyme constituted, elected and chosen out of the Freemen of the saide Company, for the tyme being, in such Manner and Forme as hereafter in theis Presents is expressed, which said Officers shall applie themselves to take Care for the best disposing and ordering of the generall buysines and Affaires of, for, and concerning the said Landes and Premisses hereby mencōed, to be graunted, and the Plantacion thereof, and the Government of the People there. AND FOR the better Execucon of our Royall Pleasure and Graunte in this Behalf, WEE doe, by theis presents, for Vs, our Heires and Successors, nominate, ordeyne, make, & constitute, our welbeloved the saide Mathewe Cradocke, to be the first and present Governor of the said Company, and the saide Thomas Goffe, to be Deputy Governor of the saide Company, and the saide Sir Richard Saltonstall, Isaack Johnson, Samuell Aldersey, John Ven, John Humfrey, John Endecott, Simon Whetcombe, Increase Noell, Richard Pery, Nathaniell Wright, Samuell Vassall, Theophilus Eaton, Thomas Adams, Thomas Hutchins, John Browne, George Foxcrofte, William Vassall, and William Pinchion, to be the present Assistants of the saide Company,

to continue in the saide several Offices respectivelie for such tyme, and in such manner, as in and by theis Presents is hereafter declared and appointed. AND FURTHER, Wee will, and by their Presents, for Vs, our Heires and Successors, doe ordeyne and graunte, That the Governor of the saide Company for the tyme being, or in his Absence by Occasion of Sicknes or otherwise, the Deputie Governor for the tyme being, shall have Authoritie from tyme to tyme vpon all Occasions, to give order for the assembling of the saide Company, and calling them together to consult and advise of the Bussinesses and Affaires of the saide Company, and that the said Governor, Deputie Governor, and Assistants of the saide Company, for the tyme being, shall or maie once every Moneth, or oftener at their Pleasures, assemble and houlde and keepe a Courte or Assemblie of themselves, for the better ordering and directing of their Affaires, and that any seaven or more persons of the Assistants, together with the Governor, or Deputie Governor soe assembled, shalbe saide, taken, held, and reputed to be, and shalbe a full and sufficient Courte or Assemblie of the said Company, for the handling, ordering, and dispatching of all such Buysinesses and Occurrents as shall from tyme to tyme happen, touching or concerning the said Company or Plantacon; and that there shall or maie be held and kept by the Governor, or Deputie Governor of the said Company, and seaven or more of the said Assistants for the tyme being, vpon every last Wednesday in Hillary, Easter, Trinity, and Michas Termes respectivelie forever, one greate generall and solemne assemblie, which foure generall assemblies shalbe stiled and called the foure greate and generall Courts of the saide Company; IN all and every, or any of which saide greate and generall Courts soe assembled, WEE DOE for Vs, our Heires and Successors, give and graunte to the said Governor and Company, and their Successors, That the Governor, or in his absence, the Deputie Governor of the saide Company for the tyme being, and such of the Assistants and Freemen of the saide Company as shalbe present, or the greater number of them so assembled, whereof the Governor or Deputie Governor and six of the Assistants at the least to be seaven, shall have full Power and authoritie to choose, nominate, and appointe, such and soe many others as they shall thinke fitt, and that shall be willing to accept the same, to be free of the said Company and Body, and them into the same to admitt; and to elect and constitute such Officers as they shall thinke fitt and requisite, for the ordering, managing, and dispatching of the Affaires of the saide Govenor

and Company, and their Successors; And to make Lawes and Ordinañces for the Good and Welfare of the saide Company, and for the Government and ordering of the saide Landes and Plantacõns, and the People inhabiting and to inhabite the same, as to them from tyme to tyme shalbe thought meete, soe as such Lawes and Ordinances be not contrarie or repugnant to the Lawes and Statuts of this our Realme of England. AND, our Will and Pleasure is, and Wee doe hereby for Vs, our Heires and Successors, establish and ordeyne, That yearely once in the yeare, for ever hereafter, namely, the last Wednesday in Easter Tearme, yearely, the Governor, Deputy-Governor, and Assistants of the saide Company and all other officers of the saide Company shalbe in the Generall Court or Assembly to be held for that Day or Tyme, newly chosen for the Yeare ensuing by such greater parte of the said Company, for the Tyme being, then and there present, as is aforesaide. AND, yf it shall happen the present governor, Deputy Governor, and assistants, by theis presents appointed, or such as shall hereafter be newly chosen into their Roomes, or any of them, or any other of the officers to be appointed for the said Company, to dye, or to be removed from his or their severall Offices or Places before the saide generall Day of Eleccõn (whome Wee doe hereby declare for any Misdemeanor or Defect to be removeable by the Governor, Deputie Governor, Assistants, and Company, or such greater Parte of them in any of the publique Courts to be assembled as is aforesaid) That then, and in every such Case, it shall and maie be lawfull, to and for the Governor, Deputie Governor, Assistants, and Company aforesaide, or such greater Parte of them soe to be assembled as is aforesaide, in any of their Assemblies, to proceade to a new Eleccõn of one or more others of their Company in the Roome or Place, Roomes or Places of such Officer or Officers soe dyeing or removed according to their Discrecons, And, ymmediately vpon and after such Eleccõn and Eleccõns made of such Governor, Deputie Governor, Assistant or Assistants, or any other officer of the saide Company, in Manner and Forme aforesaid, the Authoritie, Office, and Power, before given to the former Governor, Deputie Governor, or other Officer and Officers soe removed, in whose Steade and Place newe shalbe soe chosen, shall as to him and them, and everie of them, cease and determine. PROVIDED alsoe, and our Will and Pleasure is, That aswell such as are by theis Presents appointed to be the present Governor, Deputie Governor, and Assistants of the said Company, as those that shall succeed them, and all

other Officers to be appointed and chosen as aforesaid, shall, before they vndertake the Execucon of their saide Offices and Places respectivelie, take their Corporal Oathes for the due and faithful Performance of their Duties in their severall Offices and Places, before such Person or Persons as are by theis Presents herevnder appointed to take and receive the same; That is to saie, the saide Mathewe Cradock, whoe is hereby nominated and appointed the present Governor of the saide Company, shall take the saide Oathes before one or more of the Masters of our Courte of Chauncery for the Tyme being, vnto which Master or Masters of the Chauncery, Wee doe by theis Presents give full Power and Authoritie to take and administer the said Oathe to the said Governor accordinglie: And after the saide Governor shalbe soe sworne, then the said Deputy Governor and Assistants, before by theis Presents nominated and appointed, shall take the said severall Oathes to their Offices and Places respectivelie belonging, before the said Mathew Cradock, the present Governor, soe formerlie sworne as aforesaide. And every such Person as shallbe at the Tyme of the annuall Eleccion, or otherwise, vpon Death or Removeall, be appointed to be the newe Governor of the said Company, shall take the Oathes to that Place belonging, before the Deputy Governor, or two of the Assistants of the said Company at the least, for the Tyme being: And the newe elected Deputie Governor and Assistants, and all other officers to be hereafter chosen as aforesaide from Tyme to Tyme, to take the Oathes to their places respectivelie belonging, before the Governor of the said Company for the Tyme being, vnto which said Governor, Deputie Governor, and assistants, Wee doe by theis Presents give full Power and Authoritie to give and administer the said Oathes respectively, according to our true Meaning herein before declared, without any Comission or further Warrant to be had and obteyned of Vs, our Heires or Successors, in that Behalf. AND, Wee doe further, of our especial Grace, certen Knowledge, and meere mocon, for Vs, our Heires and Successors, give and graunte to the said Governor and Company, and their Successors for ever by theis Presents, That it shalbe lawfull and free for them and their Assignes, at all and every Tyme and Tymes hereafter, out of any our Realmes or Domynions whatsoever, to take, leade, carry, and transport, for in and into their Voyages, and for and towards the said Plantacon in Newe England, all such and soe many of our loving Subjects, or any other strangers that will become our loving Subjects, and live under our Allegiance, as

shall willinglie accompany them in the same Voyages and Plantacon; and also Shipping, Armour, Weapons, Ordinance, Municon, Powder, Shott, Corne, Victualls, and all Manner of Clothing, Implements, Furniture, Beastes, Cattle, Horses, Mares, Marchandizes, and all other Things necessarie for the saide Plantacōn, and for their Vse and Defence, and for Trade with the People there, and in passing and returning to and fro, any Lawe or Statute to the contrarie hereof in any wise notwithstanding; and without payeing or yeilding any Custome or Subsidie, either inward or outward, to Vs, our Heires or Successors, for the same, by the Space of seaven Yeares from the Day of the Date of theis Presents. PROVIDED, that none of the saide Persons be such as shalbe hereafter by especiall Name restrayned by Vs, our Heires or Successors. AND, for their further Encouragement, of our especial Grace and Favor, Wee doe by theis Presents, for Vs, our Heires and Successors, yeild and graunt to the saide Governor and Company, and their Successors, and every of them, their Factors and Assignes, That they and every of them shalbe free and quitt from all Taxes, Subsidies, and Customes, in Newe England, for the like Space of seaven Yeares, and from all Taxes and Imposicōns for the Space of twenty and one Yeares, vpon all Goodes and Merchandizes at any Tyme or Tymes hereafter, either vpon Importacōn thither, or Exportacōn from thence into our Realme of England, or into any other our Domynions by the said Governor and Company, and their Successors, their Deputies, Factors, and Assignes, or any of them; EXCEPT onlie the five Pounds per Centum due for Custome vpon all such Goodes and Merchandizes as after the saide seaven Yeares shalbe expired, shalbe brought or imported into our Realme of England, or any other of our Dominions, according to the auncient Trade of Merchants, which five Poundes per Centum onlie being payde, it shall be thenceforth lawfull and free for the said Adventurers, the same Goodes and Merchandizes to export and carry out of our said Domynions into forraine Partes, without any Custome, Tax, or other Dutie to be paid to Vs, our Heires or Successors, or to any other Officers or Ministers of Vs, our Heires and Successors. PROVIDED, that the said Goodes and Merchandizes be shipped out within thirteene Monethes, after their first Landing within any Parte of the saide Domynions. AND, Wee doe for Vs, our Heires and Successors, give and graunte vnto the saide Governor and Company, and their Successors, That whensoever, or soe often as any Custome or Subsidie shall growe due or

payeable vnto Vs, our Heires, or Successors, according to the Lymittacon and Appointment aforesaide, by Reason of any Goodes, Wares, or Merchandizes to be shipped out, or any Retorne to be made of any Goodes, Wares, or Merchandize vnto or from the said Partes of Newe England hereby mencōd to be graunted as aforesaide, or any the Landes or Territories aforesaide, That then, and soe often, and in such Case, the Farmors, Customers, and Officers of our Customes of England and Ireland, and everie of them for the Tyme being, vpon Request made to them by the saide Governor and Company, or their Successors, Factors, or Assignes, and vpon convenient Security to be given in that Behalf, shall give and allowe vnto the said Governor and Company, and their Successors, and to all and everie Person and Persons free of that Company, as aforesaide, six Monethes Tyme for the Payement of the one halfe of all such Custome and Subsidy as shalbe due and payeable unto Vs, our Heires and Successors, for the same; for which theis our Letters patents, or the Duplicate, or the inrollem^t thereof, shalbe vnto our saide Officers a sufficient Warrant and Discharge. NEVERTHELES, our Will and Pleasure is, That yf any of the saide Goodes, Wares, and Merchandize, which be, or shalbe at any Tyme hereafter landed or exported out of any of our Realmes aforesaide, and shalbe shipped with a Purpose not to be carried to the Partes of Newe England aforesaide, but to some other place, That then such Payment, Dutie, Custome, Imposicōn, or Forfeiture, shalbe paid, or belonge to Vs, our Heires and Successors, for the said Goodes, Wares, and Merchandize, soe fraudulently sought to be transported, as yf this our Graunte had not been made or graunted. AND, Wee doe further will, and by theis Presents, for Vs, our Heires and Successors, firmlie enioine and cōmaunde, as well the Treasurer, Chauncellor and Barons of the Exchequer, of Vs, our Heires and Successors, as also all and singuler the Customers, Farmors, and Collectors of the Customes, Subsidies, and Imposts, and other the Officers and Ministers of Vs, our Heires and Successors whatsoever, for the Tyme Being, That they and every of them, vpon the shewing forth vnto them of theis Letters patents, or the Duplicate or exemplificacōn of the same, without any other Writt or Warrant whatsoever from Vs, our Heires or Successors, to be obteyned or sued forth, doe and shall make full, whole, entire, and due Allowance, and cleare Discharge vnto the saide Governor and Company, and their Successors, of all Customes, Subsidies, Imposicōns, Taxes and Duties whatsoever, that shall or maie be claymed by

Vs, our Heires and Successors, of or from the said Governor and Company, and their Successors, for or by Reason of the said Goodes, Chattels, Wares, Merchandizes, and Premises to be exported out of our saide Domynions, or any of them, into any Parte of the saide Landes or Premises hereby mencōed, to be given, graunted, and confirmed, or for, or by Reason of any of the saide Goodes, Chattells, Wares, or Merchandizes to be imported from the said Landes and Premises hereby mencōed, to be given, graunted, and confirmed into any of our saide Dominions, or any Parte thereof as aforesaide, excepting onlie the saide five Poundes per Centum hereby reserved and payeable after the Expiracōn of the saide Terme of seaven Yeares as aforesaid, and not before: And theis our Letters-patents, or the Inrollment, Duplicate, or Exemplificacōn of the same shalbe for ever hereafter, from time to tyme, as well to the Treasurer, Chauncellor and Barons of the Exchequer of Vs, our Heires and Successors, as to all and singuler the Customers, Farmors, and Collectors of the Customes, Subsidies, and Imposts of Vs, our Heires and Successors, and all Searchers, and other the Officers and Ministers whatsoever of Vs, our Heires and Successors, for the Time being, a sufficient Warrant and Discharge in this Behalf. AND, further our Will and Pleasure is, and Wee doe hereby for Vs, our Heires and Successors, ordeyne and declare, and graunte to the saide Governor and Company, and their Successors, That all and every the Subiects of Vs, our Heires or Successors, which shall goe to and inhabite within the saide Landes and Premisses hereby mencōed to be graunted, and every of their Children which shall happen to be borne there, or on the Seas in going thither, or retorning from thence, shall have and enjoy all liberties and Immunities of free and naturall Subiects within any of the Domynions of Vs, our Heires or Successors, to all Intents, Construccōns, and Purposes whatsoever, as yf they and everie of them were borne within the Realme of England. And that the Governor and Deputie Governor of the said Company for the Tyme being, or either of them, and any two or more of such of the saide Assistants as shalbe therevnto appointed by the saide Governor and Company at any of their Courts or Assemblies to be held as aforesaide, shall and maie at all Tymes, and from tyme to tyme hereafter, have full Power and Authoritie to minister and give the Oathe and Oathes of Supremacie and Allegiance, or either of them, to all and everie Person and Persons, which shall at any Tyme or Tymes hereafter goe or passe to the Landes and Premisses hereby mencōed

to be graunted to inhabite in the same. AND, Wee doe of our further Grace, certen Knowledg, and meere Mocōn, give and graunte to the saide Governor and Company, and their Successors, That it shall and maie be lawfull, to and for the Governor or Deputie Governor, and such of the Assistants and Freemen of the said Company for the Tyme being as shalbe assembled in any of their generall Courts aforesaide, or in any other Courtes to be specially sumoned and assembled for that Purpose, or the greater Parte of them (whereof the Gōvernor or Deputie Governor, and six of the Assistants to be alwaies seaven) from tyme to tyme, to make, ordeine, and establishe all Manner of wholesome and reasonable Orders, Lawes, Statutes, and Ordīnnces, Direccōns, and Instruccōns, not contrarie to the Lawes of this our Realme of England, aswell for setling of the Formes and Ceremonies of Governm^t and Magistracy, fitt and necessary for the said Plantacōn, and the Inhabitants there, and for nameing and stiling of all sorts of Officers, both superior and inferior, which they shall finde needeful for that Gouvernement and Plantacon, and the distinguishing and setting forth of the severall duties, Powers, and Lymytts of every such Office and Place, and the Formes of such Oathes warrantable by the Lawes and Statutes of this our Realme of England, as shalbe respectivelie ministred vnto them for the Execucōn of the said severall Offices and Places; as also, for the disposing and ordering of the Eleccōns of such of the said Officers as shalbe annuall, and of such others as shalbe to succede in Case of Death or Removeall, and ministring the said Oathes to the newe elected Officers, and for Imposicons of lawfull Fynes, Mulcts, Imprisonment, or other lawfull Correccōn, according to the Course of other Corporacōns in this our Realme of England, and for the directing, ruling, and disposeing of all other Matters and Thinges, whereby our said People, Inhabitants there, may be soe religiously, peaceable, and civilly governed, as their good Life and orderlie Conversacon, maie wynn and incite the Natives of Country, to the Knowledg and Obedience of the onlie true God and Sauior of Mankinde, and the Christian Fayth, which in our Royall Intencon, and the Adventurers free Profession, is the principall Ende of this Plantacion. WILLING, comāunding, and requiring, and by theis Presents for Vs, our Heires, and Successors, ordeyning and appointing, that all such Orders, Lawes, Statuts and Ordīnnces, Instruccōns and Direccōns, as shalbe soe made by the Governor, or Deputie Governor of the said Company, and such of the Assistants and Freemen as afore-

saide, and published in Writing, vnder their coimon Seale, shalbe carefullie and dylie observed, kept, performed, and putt in Execucōn, according to the true Intent and Meaning of the same; and theis our Letters-patents, or the Duplicate or exemplificacōn thereof, shalbe to all and everie such Officers, superior and inferior, from Tyme to Tyme, for the putting of the same Orders, Lawes, Statutes, and Ordinnces, Instruccōns, and Direccōns, in due Execucōn against Vs, our Heires and Successors, a sufficient Warrant and Discharge. AND WEE DOE further, for Vs, our Heires and Successors, give and graunt to the said Governor and Company, and their Successors by theis Presents, that all and everie such Chiefe Comaunders, Capitaines, Governors, and other Officers and Ministers, as by the said Orders, Lawes, Statuts, Ordinnces, Instruccōns, or Direccōns of the said Governor and Company for the Tyme being, shalbe from Tyme to Tyme hereafter ymployed either in the Government of the saide Inhabitants and Plantacōns, or in the Waye by Sea thither, or from thence, according to the Natures and Lymitts of their Offices and Places respectively, shall from Tyme to Tyme hereafter for ever, within the Precincts and Partes of Newe England hereby mencōed to be graunted and confirmed, or in the Waie by Sea thither, or from thence, have full and Absolute Power and Authoritie to correct, punishe, pardon, governe, and rule all such the Subiects of Vs, our Heires and Successors, as shall from Tyme to Tyme adventure themselves in any Voyage thither or from thence, or that shall at any Tyme hereafter, inhabite within the Precincts and Partes of Newe England aforasaide, according to the Orders, Lawes, Ordinnces, Instruccōns, and Direccōns aforesaid, not being repugnant to the Lawes and Statutes of our Realme of England as aforesaid. AND WEE DOE further, for Vs, our Heires and Successors, give and graunte to the said Governor and Company, and their Successors, by theis Presents, that it shall and maie be lawfull, to and for the Chiefe Comaunders, Governors, and Officers of the said Company for the Time being, who shalbe resident in the said Parte of Newe England in America, by theis Presents graunted, and others there inhabiting by their Appointment and Direccōn, from Tyme to Tyme, and at all Tymes hereafter for their speciall Defence and Safety, to incounter, expulse, repell, and resist by Force of Armes, aswell by Sea as by Lande, and by all fitting Waies and Meanes whatsoever, all such Person and Persons, as shall at any Tyme hereafter, attempt or enterprise the Destrucōn, Invasion, Detriment, or Annoyance to the

said Plantation or Inhabitants, and to take and surprise by all Waies and Meanes whatsoever, all and every such Person and Persons, with their Shippes, Armour, Municōn, and other Goodes, as shall in hostile manner invade or attempt the defeating of the said Plantacon, or the Hurt of the said Company and Inhabitants: NEVERTHELES, our Will and Pleasure is, and Wee doe hereby declare to all Christian Kinges, Princes and States, that yf any Person or Persons which shall hereafter be of the said Company or Plantacōn, or any other by Lycense or Appointment of the said Governor and Company for the Tyme being, shall at any Tyme or Tymes hereafter, robb or spoyle, by Sea or by Land, or doe any Hurt, Violence, or vnlawful Hostilitie to any of the Subjects of Vs, our Heires or Successors, or any of the Subiects of any Prince or State, being then in League and Amytie with Vs, our Heires and Successors, and that upon such iniury don and vpon iust Complaint of such Prince or State or their Subjects, WEE, our Heires and Successors shall make open Proclamacōn within any of the Partes within our Realme of England, comōdious for that purpose, that the Person or Persons haveing comitted any such Roberie or Spoyle, shall within the Terme lymytted by such a Proclamacōn, make full Restitucōn or Satisfaccōn of all such Iniureis don, soe as the said Princes or others soe complayning, maie hould themselves fullie satisfied and contented; and that yf the said Person or Persons, haveing comitted such Robbery or Spoile, shall not make, or cause to be made Satisfaccōn accordinglie, within such Tyme soe to be lymytted, that then it shalbe lawfull for Vs, our Heires and Successors, to putt the said Person or Persons out of our Allegiance and Proteccōn, and that it shalbe lawfull and free for all Princes to prosecute with Hostilitie, the said Offendors, and every of them, their and every of their Procurers, Ayders, Abettors, and Comforters in that Behalf: PROVIDED also, and our expresse Will and Pleasure is, And Wee doe by theis Presents for Vs, our Heires and Successors ordeyne and appoint That theis Presents shall not in any manner envre, or be taken to abridge, barr, or hinder any of our loving subiects whatsoever, to vse and exercise the Trade of Fishing vpon that Coast of New England in America, by theis Presents mencōd to be graunted. But that they, and every, or any of them, shall have full and free Power and Liberty to continue and vse their said Trade of Fishing vpon the said Coast, in any the Seas therevnto adioyning, or any Armes of the Seas or Saltwater Rivers where they have byn wont to fishe, and to build and sett vp vpon the

Landes by theis Presents graunted, such Wharfes, Stages, and Workehouses as shalbe necessarie for the salting, drying, keeping, and packing vp of their Fish, to be taken or gotten vpon that Coast; and to cutt down, and take such Trees and other Materialls there groweing, or being, or shalbe needefull for that Purpose, and for all other necessarie Easements, Helpes, and Advantage concerning their said Trade of Fishing there, in such Manner and Forme as they have byn heretofore at any tyme accustomed to doe, without making any wilfull Waste or Spoyle, any Thing in theis Presents conteyned to the contrarie notwithstanding. AND WEE DOE further, for Vs, our Heires and Successors, ordeyne and graunte to the said Governor and Company, and their Successors by theis Presents that theis our Letters-patents shalbe firme, good, effectual, and availeable in all Things, and to all Intents and Construccōns of Lawe, according to our true Meaning herein before declared, and shalbe construed, reputed, and adiudged in all Cases most favourablie on the Behalf, and for the Benefitt and Behoofe of the saide Governor and Company and their Successors: ALTHOUGH expresse mencōn of the true yearely Value or certenty of the Premisses or any of them, or of any other Guiftes or Grauntes, by Vs, or any of our Progenitors or Predecessors to the foresaid Governor or Company before this tyme made, in theis Presents is not made; or any Statute, Acte, Ordjñnce, Provision, Proclamaçōn, or Restrainte to the contrarie thereof, heretofore had, made, published, ordeyned, or provided, or any other Matter, Cause, or Thing whatsoever to the contrarie thereof in any wise notwithstanding.

IN WITNES whereof, Wee have caused theis our Letters to be made Patents.

WITNES ourself, at Westminster, the fourth day of March, in the fourth Yeare of our Raigne.

Per Breve de Privato Sigillo,

WOLSELEY.

“The dissolution of the Parliament of 1629 marked the darkest hour of Protestantism, whether in England or in the world at large. But it was in the hour of despair that the Puritans won their noblest triumph. They ‘turned,’ to use Canning’s words in a far truer and grander sense than that which he gave to them—they ‘turned to the New World to redress the balance of the Old.’ It was during the years of tyranny which followed the close of the third Parliament of Charles that the great Puritan emigration founded the States of New England. . . . From the moment of the estab-

lishment of the little company of the 'Pilgrim Fathers' at Plymouth, the eyes of the English Puritans were fixed on the little Puritan settlement in North America. The sanction of the Crown was necessary to raise it into a colony. Eight days before announcing his resolve to govern henceforth without Parliaments, Charles granted the charter which established the colony of Massachusetts; and by the Puritans at large the grant was at once regarded as a Providential call. Out of the failure of their great constitutional struggle, and the pressing danger to 'godliness' in England, rose the dream of a land in the West where religion and liberty could find a safe and lasting home. The third Parliament of Charles was hardly dissolved, when 'conclusions' for the establishment of a great colony on the other side of the Atlantic were circulating among gentry and traders, and descriptions of the new country of Massachusetts were talked over in every Puritan household."—*J. R. Green*.

"When Winthrop's fleet came to anchor in the harbor of Salem, he, and such members of the company as had accompanied or preceded him, found themselves in absolute and uncontrolled possession of the country, within the limits of their charter. Their jurisdiction and powers were complete; and had they been actuated by selfish motives or a low ambition, and retained the character of a close corporation, the fortunes of the plantation, and their own fame, would have had the same fate, that of a brief duration and an ignoble end.

"The charter gave to them, in express and repeated terms and without limitation, the right to admit new associates. Persons thus admitted became full partners and equal members of the company, called, as has been stated, Freemen. The exercise of this right was the magic by which they converted what was originally a royal act of incorporation for business and commercial purposes, into the constitution of a free and noble Commonwealth. In the year 1631 one hundred and twenty-six of the resident population were admitted, and in the next ten years twelve hundred more.

"By this generous and enlightened policy the PEOPLE here acceded to the rights and powers given in the charter. The colony of Massachusetts became an independent State. Parliament could not touch it, and the Crown had bound itself to keep its hands off. . . .

"One hundred and forty-six years before the Declaration of the Independence of the United States, this was an independent government, and continued so for more than half a century—more independent, in fact, than it has ever been since. Between the period of the First Charter and the war of the Revolution it was a dependent province, its governors appointed by the British monarch, and the royal assent needed to give validity to its laws. Since the opening of the Revolutionary conflict, to this hour, it has been, in many respects and to a considerable extent, subject to the old Congress of the Confederation, and subsequently to the Government of the United States. But during the fifty-eight years of the First Charter the people were as free to rule themselves as if they had been on another planet. They chose all their own officers, asked no approval of their laws, suffered no appeal in any case to the mother country, and bowed to no tribunals but of their own erection. This was, and ought to be considered, the first era of American independence. . . .

"In this respect, that is, in exemption from foreign interference, the situation of the original colonists of Massachusetts was all that could be desired; in other respects it was equally favorable. All the requisite condi-

tions for the formation of a good government existed. A country lay before them, unoccupied, open, and free; sufficiently large to give room for the experiment, and comprising features and resources adapted to the uses of an industrious and intelligent people, with only here and there a solitary previous settler, or remnants of aboriginal tribes in no way fastened to the soil. They had among them many persons of large experience in affairs, conversant with the laws and customs, not only of their own native country, but of the nations of Continental Europe, and well read in ancient history. Some of them had held eminent social position and were of enlarged culture; and not a few, having enjoyed the advantages of the highest schools and seats of academic learning, and of Inns of Court, were remarkably qualified to act the part of statesmen. There probably was a greater amount of practical wisdom and energy among them than in any community, of equal numbers, ever brought together. What they had endured in the old country, and the sacrifices they had encountered in getting away from it, and in opening their wilderness homes, had given them an individual force and independence of character, and liberated their minds from the influence of all sentimental associations and traditional attachments to the usages, institutions, and social fixtures of all kinds in the old country.

"An opportunity was thus given to solve the problem of government; to ascertain and determine the true method of forming a political organization in accordance with nature, reason, justice, and right, not to be paralleled elsewhere in the old or new world. . . .

"Here, on a clear field, unoccupied by any organized society, with no preëxistent institutions to cumber the ground, but all as fresh as if never trodden by man before, the experiment of planting and constructing a civil government was fairly worked out. No external power was suffered to interfere, and no foreign precedents allowed to claim authority; no closet statesman or fanciful theorist formed the scheme; no lordly proprietor, or distant corporation, or board of trade, directors, or officials of any kind, dictated. The whole procedure was left, without let or hindrance, suggestion or influence, from any outside quarter, to the people on the spot. They were a select people for the work — intelligent, thoughtful, brave, and devout. They were settled in families, and comprised all the elements of a State. Although emigrants from the old world, they trailed none of its arbitrary, outgrown institutions or usages after them. Conversant with all the learning of ancient and feudal forms, they applied none of it here. Having a new country to dwell in, they resolved to establish nothing but what facts, as they occurred, should prove to be necessary or desirable. Oglethorpe planned a social system for Georgia, John Locke drafted a contrivance of government for the Carolinas, Lord Baltimore superintended Maryland, William Penn Pennsylvania, and other proprietors and patrons their several settlements. Not so in Massachusetts: the Fathers of this colony followed no far-off light; they moved only as experience opened the way; they tried every step as they advanced, indulged in no theories or speculations, and held fast only what was found, in their view, to be good, and thus accomplished the great end of a stable, prosperous, powerful, and permanent commonwealth. All the essential features of our present security and happiness were stamped into the fabric of society during the period of the First Charter." — *Charles W. Upham*.

Bancroft and the other general historians of the United States discuss the significant features of the Massachusetts Charter and the influence of the long struggle to maintain it in the development of the spirit of independence

in the colony. The special historians of New England and of Massachusetts enter more in detail into the subject. Read chaps. vii, "The Transfer of the Charter," and xvii, "The Downfall of the Charter," in Barry's *History of Massachusetts*, vol. 1; and chaps. vii, "Puritan Politics in England," and viii, "The Colony of Massachusetts," in Palfrey's *History of New England*, vol. 1. In chap. xii of Palfrey's third volume (p. 486) is given the text of the protest of the General Court in abdicating the government to Dudley and Randolph. J. A. Doyle, in his *English in America: The Puritan Colonies*, vol. 1, covers the same ground. Among the early histories, consult Hubbard's *History of New England*, chaps. xx-xxiii, Neal's *History of New England*, Mather's *Magnalia*, and Hutchinson. Young, in his *Chronicles of Massachusetts*, gives the "Original Records of the Governor and Company of the Massachusetts Bay in New England" from 1628 to March 23, 1630; the account of the meeting of August 29, 1629, at which it was voted to transfer the Charter to New England, may be found at p. 87. Other papers in Young will be consulted by the more thorough student, who will also carefully examine the *Massachusetts Records*. Winthrop's *History of New England*, especially the portions covering the years 1634 and 1638, should be consulted for notices of the early encroachments from England and the early resistances. These are well summarized in Robert C. Winthrop's *Life and Letters of John Winthrop*, vol. ii, chap. xiv. Speaking of the firm attitude of the colony in 1634, at the beginning of the long struggle for the Charter, Mr. Winthrop says: "When the magistrates and deputies began thus to 'hasten their fortifications,' and the ministers all agreed that 'if a general governour were sent, we ought not to accept him, but to defend our lawful possessions, if we were able,' it is abundantly evident that the spirit of independence had already found its way to New England. Fortunately there was to be no present occasion for its further manifestation; and the policy so significantly described by the Governor's phrase, 'to avoid or protract,' was to be successful for more than a century still to come, and until the ability of New England to resist oppression should be more commensurate with her resolution to do so." The later aspects of the struggle for the maintenance of the Charter are well illustrated in the biography and pamphlets of Increase Mather, who in 1688, while Andros was governor, was sent by the colony to London, to petition for a redress of grievances.

Perhaps the best general account of the struggle to maintain the Charter is that by Charles Deane, in the *Memorial History of Boston*, vol. 1. There are three other essays in this volume, which should be read in connection,— "The Massachusetts Company," by Samuel Foster Haven, "Boston Founded," by Robert C. Winthrop, and "The Puritan Commonwealth," by Rev. George E. Ellis. The volume of Lowell Lectures on the *Early History of Massachusetts* also contains several essays of great importance in relation to the Charter and its history, viz., "The Aims and Purposes of the Founders of the Massachusetts Colony," by Rev. George E. Ellis, "The First Charter and the Early Religious Legislation of Massachusetts," by Joel Parker, "Puritan Politics in England and New England," by Edward Everett Hale, "The Colony of New Plymouth in its Relations to Massachusetts," by William Brigham, and "The Records of Massachusetts under its First Charter," by Charles W. Upham. It is from this last essay that the passages above printed are taken.



The Fundamental Orders of Con- necticut.

1638(9).

FORASMUCH as it hath pleased the Allmighty God by the wise disposition of his diuynе p^ruidence so to Order and dispose of things that we the Inhabitants and Residents of Windsor, Harteford and Wethersfield are now cohabiting and dwelling in and vppon the River of Conectecotte and the Lands thereunto adioyneing; And well knowing where a people are gathered together the word of God requires that to mayntayne the peace and vnion of such a people there should be an orderly and decent Gouverment established according to God, to order and dispose of the affayres of the people at all seasons as occation shall require; doe therefore assotiate and conioyne our selues to be as one Publike State or Comonwelth; and doe, for our selues and our Successors and such as shall be adioyned to vs att any tyme hereafter, enter into Combination and Confederation together, to mayntayne and p^rsearue the liberty and purity of the gospell of our Lord Jesus w^{ch} we now p^rfesse, as also the disciplyne of the Churches, w^{ch} according to the truth of the said gospell is now practised amongst vs; As also in o^r Ciuell Affaires to be guided and gouerned according to such Lawes, Rules, Orders and decrees as shall be made, ordered & decreed, as followeth:—

1. It is Ordered, sentenced and decreed, that there shall be yerely two generall Assemblies or Courts, the one on the second thursday in Aprill, the other the second thursday in September, following; the first shall be called the Courte of Election, wherein shall be yerely Chosen frō tyme to tyme soe many Magestrats and other publike Officers as shall be found requisite: Whereof one to be chosen Gouvernour for the yeare ensuing and vntill another be chosen, and noe other Magestrate to be chosen for more than one yeare; p^ruided allwayes there be sixe chosen besids the Gouvernour; w^{ch} being chosen and sworne according to an Oath recorded for that purpose shall

haue power to administer iustice according to the Lawes here established, and for want thereof according to the rule of the word of God ; w^{ch} choise shall be made by all that are admitted freemen and haue taken the Oath of Fidellity, and doe cohabitte wthin this Jurisdiction, (hauing beene admitted Inhabitants by the maior p^t of the Towne wherein they liue,) or the mayor p^{te} of such as shall be then p^rsent.

2. It is Ordered, sentensed and decreed, that the Election of the aforesaid Magestrats shall be on this manner: euery p^rson p^rsent and quallified for choyse shall bring in (to the p^rsons deputed to receaue thē) one single pap^r wth the name of him written in yt whom he desires to haue Gouvernour, and he that hath the greatest nūber of papers shall be Gouvernor for that yeare. And the rest of the Magestrats or publike Officers to be chosen in this manner: The Secretary for the tyme being shall first read the names of all that are to be put to choise and then shall seuerally nominate them distinctly, and euery one that would haue the p^rson nominated to be chosen shall bring in one single paper written vppon, and he that would not haue him chosen shall bring in a blanke: and euery one that hath more written papers then blanks shall be a Magistrat for that yeare ; w^{ch} papers shall be receaued and told by one or more that shall be then chosen by the court and sworne to be faythfull therein ; but in case there should not be sixe chosen as aforesaid, besids the Gouvernor, out of those w^{ch} are nominated, then he or they w^{ch} haue the most written pap^rs shall be a Magistrate or Magestrats for the ensueing yeare, to make vp the foresaid nūber.

3. It is Ordered, sentenced and decreed, that the Secretary shall not nominate any p^rson, nor shall any p^rson be chosen newly into the Magestracy w^{ch} was not p^rpownded in some Generall Courte before, to be nominated the next Election ; and to that end yt shall be lawfull for ech of the Townes aforesaid by their deputyes to nominate any two whō they conceaue fitte to be put to election ; and the Courte may ad so many more as they iudge requisitt.

4. It is Ordered, sentenced and decreed that noe p^rson be chosen Gouvernor aboue once in two yeares, and that the Gouvernor be always a mēber of some approved congregation, and formerly of the Magestracy wthin this Jurisdiction ; and all the Magestrats Freemen of this Comonwelth : and that no Magistrate or other publike officer shall execute any p^{te} of his or their Office before they are seuerally sworne, w^{ch} shall be done in the face of the Courte if they be p^rsent, and in case of absence by some deputed for that purpose.

5. It is Ordered, sentenced and decreed, that to the aforesaid Courte of Election the seu'all Townes shall send their deputies, and when the Elections are ended they may p^rceed in any publike searvice as at other Courts. Also the other Generall Courte in September shall be for makeing of lawes, and any other publike occation, w^{ch} concerns the good of the Comonwelth.

6. It is Ordered, sentenced and decreed, that the Gou^rnor shall, ether by himselfe or by the secretary, send out sumons to the Constables of eu^r Towne for the cauleing of these two standing Courts, on month at lest before their seu'all tymes: And also if the Gou^rnor and the gretest p^rte of the Magistrats see cause vppon any spetiall occation to call a generall Courte, they may giue order to the secretary soe to doe wthin fowerteene dayes warneing; and if vrgent necessity so require, vppon a shorter notice, giueing sufficient grownds for yt to the deputies when they meete, or els be questioned for the same; And if the Gou^rnor and Mayor p^rte of Magistrats shall ether neglect or refuse to call the two Generall standing Courts or ether of thē, as also at other tymes when the occations of the Comonwelth require, the Freemen thereof, or the Mayor p^rte of them, shall petition to them soe to doe: if then yt be ether denyed or neglected the said Freemen or the Mayor p^rte of them shall haue power to giue order to the Constables of the seuerall Townes to doe the same, and so may meete together, and chuse to themselves a Moderator, and may p^rceed to do any Acte of power, w^{ch} any other Generall Courte may.

7. It is Ordered, sentenced and decreed that after there are warrants giuen out for any of the said Generall Courts, the Constable or Constables of ech Towne shall forthwth give notice distinctly to the inhabitants of the same, in some Publike Assembly or by goeing or sending frō howse to howse, that at a place and tyme by him or them lymited and sett, they meet and assemble thē selues together to elect and chuse certain deputies to be att the Generall Courte then following to agitate the afayres of the comonwelth; w^{ch} said Deputies shall be chosen by all that are admitted Inhabitants in the seu'all Townes and haue taken the oath of fidellity; p^ruided that non be chosen a Deputy for any Generall Courte w^{ch} is not a Freeman of this Comonwelth.

The foresaid deputies shall be chosen in manner following: euery p^rson that is p^rsent and quallified as before exp^rsseed, shall bring the names of such, written in seu'rall papers. as they desire to haue chosen for that Imployment, and these 3 or 4,

more or lesse, being the nūber agreed on to be chosen for that tyme, that haue greatest nūber of papers written for thē shall be deputyes for that Courte; whose names shall be endorsed on the backe side of the warrant and returned into the Courte, wth the Constable or Constables hand vnto the same.

8. It is Ordered, sentenced and decreed, that Wyndsor, Hartford and Wethersfield shall haue power, ech Towne, to send fower of their freemen as deputyes to euery Generall Courte; and whatsoeuer other Townes shall be hereafter added to this Jurisdiction, they shall send so many deputyes as the Courte shall judge meete, a resonable p^rportion to the nūber of Freemen that are in the said Townes being to be attended therein; w^{ch} deputyes shall haue the power of the whole Towne to giue their voats and alowance to all such lawes and orders as may be for the publike good, and unto w^{ch} the said Townes are to be bownd.

9. It is ordered and decreed, that the deputyes thus chosen shall haue power and liberty to appoynt a tyme and a place of meeting together before any Generall Courte to aduise and consult of all such things as may concerne the good of the publike, as also to examine their owne Elections, whether according to the order, and if they or the gretest p^rte of them find any election to be illegall they may seclud such for p^rsent frō their meeting, and returne the same and their resons to the Courte; and if yt proue true, the Courte may fyne the p^rty or p^rtyes so intruding and the Towne, if they see cause, and giue out a warrant to goe to a newe election in a legall way, either in p^rte or in whole. Also the said deputyes shall haue power to fyne any that shall be disorderly at their meetings, or for not coming in due tyme or place according to appoyntment; and they may returne the said fynes into the Courte if yt be refused to be paid, and the tresurer to take notice of yt, and to estreete or levy the same as he doth other fynes.

10. It is Ordered, sentenced and decreed, that euery Generall Courte, except such as through neglecte of the Gou^rnor and the greatest p^rte of Magistrats the Freemen themselves doe call, shall consist of the Gouernor, or some one chosen to moderate the Court, and 4 other Magistrats at lest, wth the mayor p^rte of the deputyes of the seuerall Townes legally chosen; and in case the Freemen or mayor p^rte of thē, through neglect or refusall of the Gouernor and mayor p^rte of the magistrats, shall call a Courte, y^t shall consist of the mayor p^rte of Freemen that are p^rsent or their deputyes, wth a Moderator chosen by thē: In w^{ch} said Generall Courts shall consist

the supreme power of the Comonwelth, and they only shall haue power to make laws or repeale thē, to graunt leuyes, to admitt of Freemen, dispose of lands vndisposed of,, to seuerall Townes or p'sons, and also shall haue power to call ether Courte or Magistrate or any other p'son whatsoever into question for any misdemeanour, and may for just causes displace or deale otherwise according to the nature of the offence; and also may deale in any other matter that concerns the good of this comon welth, excepte election of Magistrats, w^{ch} shall be done by the whole boddy of Freemen.

In w^{ch} Courte the Gouvernour or Moderator shall haue power to order the Courte to giue liberty of spech, and silence vnceasonable and disorderly speakeings, to put all things to voate, and in case the vote be equall to haue the casting voice. But non of these Courts shall be adiorned or dissolued wthout the consent of the maior p^rte of the Court.

11. It is ordered, sentenced and decreed, that when any Generall Courte vppon the occations of the Comonwelth haue agreed vppon any sūme or somes of mony to be leuyed vppon the seuerall Townes wthin this Jurisdiction, that a Comittee be chosen to sett out and appoynt w^t shall be the p^rportion of euery Towne to pay of the said leuy, p^rvided the Comittees be made vp of an equall nūber out of each Towne.

14th January, 1638, the 11 Orders abouesaid are voted.

THE OATH OF THE GOU^rNOR, FOR THE [P^rSENT.]

I **D. M.** being now chosen to be Gou^rnor wthin this Jurisdiction, for the yeare ensueing, and vntil a new be chosen, doe sweare by the greate and dreadfull name of the everliueing God, to p^rmote the publicke good and peace of the same, according to the best of my skill; as also will mayntayne all lawfull priuiledges of this Comonwealth; as also that all wholsome lawes that are or shall be made by lawfull authority here established, be duly executed; and will further the execution of Justice according to the rule of Gods word; so helpe me God, in the name of the Lo: Jesus Christ.

THE OATH OF A MAGESTRATE, FOR THE P^rSENT.

I, **D. M.** being chosen a Magistrate wthin this Jurisdiction for the yeare ensueing, doe sweare by the great and dreadfull name of the euerliueing God, to p^rmote the publike good

and peace of the same, according to the best of my skill, and that I will mayntayne all the lawfull priuiledges thereof according to my vnderstanding, as also assist in the execution of all such wholsome lawes as are made or shall be made by lawfull authority heare established, and will further the execution of Justice for the tyme aforesaid according to the righteous rule of Gods word ; so helpe me God, etc.

[Until 1752, the legal year in England began March 25 (Lady Day), not January 1. All the days between January 1 and March 25 of the year which we now call 1639 were therefore then a part of the year 1638 ; so that the date of the Constitution is given by its own terms as 1638, instead of 1639.]

THE FUNDAMENTAL AGREEMENT, OR ORIGINAL CONSTITUTION OF THE COLONY OF NEW-HAVEN, JUNE 4th, 1639.

THE 4th day of the 4th month, called June, 1639, all the free planters affembled together in a general meeting, to consult about settling civil government, according to GOD, and the nomination of persons that might be found, by consent of all, fittest in all respects for the foundation work of a church, which was intended to be gathered in Quinipiack. After solemn invocation of the name of GOD, in prayer for the presence and help of his spirit and grace, in those weighty busineses, they were reminded of the busines whereabout they met, (viz.) for the establishment of such civil order as might be most pleasing unto GOD, and for the choosing the fittest men for the foundation work of a church to be gathered. For the better enabling them to discern the mind of GOD, and to agree accordingly concerning the establishment of civil order, Mr. John Davenport propounded diuers queries to them publicly, praying them to consider seriously in the presence and fear of GOD, the weight of the busines they met about, and not to be rash or slight in giving their votes to things they understood not ; but to digest fully and thoroughly what should be propounded to them, and without respect to men, as they should be satisfied and perswaded in their own minds, to give their answers in such fort as they would be willing should stand upon record for posterity.

THIS being earnestly pressed by Mr. Davenport, Mr. Robert Newman was intreated to write, in characters, and to

read distinctly and audibly in the hearing of all the people, what was propounded and accorded on, that it might appear, that all consented to matters propounded, according to words written by him.

Query I. WHETHER the scriptures do hold forth a perfect rule for the direction and government of all men in all duties which they are to perform to GOD and men, as well in families and commonwealth, as in matters of the church? This was assented unto by all, no man dissenting, as was expressed by holding up of hands. Afterwards it was read over to them, that they might see in what words their vote was expressed. They again expressed their consent by holding up their hands, no man dissenting.

Query II. WHEREAS there was a covenant solemnly made by the whole assembly of free planters of this plantation, the first day of extraordinary humiliation, which we had after we came together, that as in matters that concern the gathering and ordering of a church, so likewise in all public officers which concern civil order, as choice of magistrates and officers, making and repealing laws, dividing allotments of inheritance, and all things of like nature, we would all of us be ordered by those rules which the scripture holds forth to us; this covenant was called a plantation covenant, to distinguish it from a church covenant, which could not at that time be made, a church not being then gathered, but was deferred till a church might be gathered, according to GOD: It was demanded whether all the free planters do hold themselves bound by that covenant, in all businesses of that nature which are expressed in the covenant, to submit themselves to be ordered by the rules held forth in the scripture?

THIS also was assented unto by all, and no man gainfayed it; and they did testify the same by holding up their hands, both when it was first propounded, and confirmed the same by holding up their hands when it was read unto them in public John Clark being absent, when the covenant was made, doth now manifest his consent to it. Also Richard Beach, Andrew Law, Goodman Banister, Arthur Halbridge, John Potter, Robert Hill, John Brocket, and John Johnson, these persons, being not admitted planters when the covenant was made, do now express their consent to it.

Query III. THOSE who have desired to be received as free planters, and are settled in the plantation, with a purpose, resolution and desire, that they may be admitted into church fellowship, according to CHRIST, as soon as GOD shall fit them

thereunto, were desired to express it by holding up hands. According all did express this to be their desire and purpose by holding up their hands twice (viz.) at the propofal of it, and after when these written words were read unto them.

Query IV. ALL the free planters were called upon to express, whether they held themselves bound to establish such civil order as might best conduce to the securing of the purity and peace of the ordinance to themselves and their posterity according to GOD? In answer hereunto they expressed by holding up their hands twice as before, that they held themselves bound to establish such civil order as might best conduce to the ends aforesaid.

THEN Mr. Davenport declared unto them, by the scripture, what kind of persons might best be trusted with matters of government; and by sundry arguments from scripture proved that such men as were described in Exod. xviii. 2, Deut. i. 13, with Deut. xvii. 15, and 1 Cor. vi. 1, 6, 7, ought to be intrusted by them, seeing they were free to cast themselves into that mould and form of commonwealth which appeared best for them in reference to the securing the peace and peaceable improvement of all CHRIST his ordinances in the church according to GOD, whereunto they have bound themselves, as hath been acknowledged.

HAVING thus said he sat down praying the company freely to consider, whether they would have it voted at this time or not. After some space of silence, Mr. Theophilus Eaton answered, it might be voted, and some others also spake to the same purpose, none at all opposing it. Then it was propounded to vote.

Query V. WHETHER free burgessees shall be chosen out of the church members, they that are in the foundation work of the church being actually free burgessees, and to choose to themselves out of the like estate of church fellowship, and the power of choosing magistrates and officers from among themselves, and the power of making and repealing laws, according to the word, and the dividing of inheritances, and deciding of differences that may arise, and all the businesses of like nature are to be transacted by those free burgessees? This was put to vote and agreed unto by lifting up of hands twice, as in the former it was done. Then one man stood up and expressed his dissenting from the rest in part; yet granting, 1. That magistrates should be men fearing GOD. 2. That the church is the company where, ordinarily, such men may be expected. 3. That they that choose them ought to be men fearing GOD; only

at this he stuck, that free planters ought not to give this power out of their hands. Another stood up and answered, that nothing was done, but with their consent. The former answered, that all the free planters ought to resume this power into their own hands again, if things were not orderly carried. Mr. Theophilus Eaton answered, that in all places they choose committees in like manner. The companies in London choose the liveries by whom the public magistrates are chosen. In this the rest are not wronged, because they expect, in time, to be of the livery themselves, and to have the same power. Some others intreated the former to give his arguments and reasons whereupon he dissented. He refused to do it, and said, they might not rationally demand it, seeing he let the vote pass on freely and did not speak till after it was past, because he would not hinder what they agreed upon. Then Mr. Davenport, after a short relation of some former passages between them two about this question, prayed the company that nothing might be concluded by them on this weighty question, but what themselves were persuaded to be agreeing with the mind of God, and they had heard what had been said since the voting; he intreated them again to consider of it, and put it again to vote as before. Again all of them, by holding up their hands, did show their consent as before. And some of them confessed that, whereas they did waver before they came to the assembly, they were now fully convinced, that it is the mind of God. One of them said that in the morning before he came reading Deut. xvii. 15, he was convinced at home. Another said, that he came doubting to the assembly, but he blessed God, by what had been said, he was now fully satisfied, that the choice of burgessees out of church members, and to intrust those with the power before spoken of is according to the mind of God revealed in the scriptures. All having spoken their apprehensions it was agreed upon, and Mr. Robert Newman was desired to write it as an order whereunto every one, that hereafter should be admitted here as planters, should submit, and testify the same by subscribing their names to the order: Namely, that church members only shall be free burgessees, and that they only shall choose magistrates and officers among themselves, to have power of transacting all the public civil affairs of this plantation; of making and repealing laws, dividing of inheritances, deciding of differences that may arise, and doing all things and businesses of like nature.

THIS being thus settled, as a fundamental agreement concerning civil government, Mr. Davenport proceeded to pro-

pound something to consideration about the gathering of a church, and to prevent the blemishing of the first beginnings of the church work, Mr. Davenport advised, that the names of such as were to be admitted might be publicly propounded, to the end that they who were most approved might be chosen; for the town being cast into several private meetings, wherein they that lived nearest together gave their accounts one to another of GOD's gracious work upon them, and prayed together and conferred to their mutual edification, sundry of them had knowledge one of another; and in every meeting some one was more approved of all than any other; for this reason and to prevent scandals, the whole company was intreated to consider whom they found fittest to nominate for this work.

Query VI. WHETHER are you all willing and do agree in this, that twelve men be chosen, that their fitness for the foundation work may be tried; however there may be more named yet it may be in their power who are chosen to reduce them to twelve, and that it be in the power of those twelve to choose out of themselves seven, that shall be most approved of by the major part, to begin the church?

THIS was agreed upon by consent of all, as was expressed by holding up of hands, and that so many as should be thought fit for the foundation work of the church, shall be propounded by the plantation, and written down and pass without exception, unless they had given public scandal or offence. Yet so as in case of public scandal or offence, every one should have liberty to propound their exception, at that time, publicly against any man, that should be nominated, when all their names should be writ down. But if the offence were private, that mens names might be tendered, so many as were offended were intreated to deal with the offender privately, and if he gave not satisfaction to bring the matter to the twelve, that they might consider of it impartially and in the fear of GOD.

The "Fundamental Orders" of Connecticut, adopted at Hartford, January 14, 1638 (9), by a general convention of the planters of the three towns of Hartford, Windsor and Wethersfield, form the first written constitution known in history. See in connection the notes to Vane's "Healing Question," Old South Leaflets, No. 6. The principles which controlled Hooker and his associates in framing this first constitution of Connecticut mark a notable advance in the spirit of democracy in New England, and anticipate in important respects the principles of our national constitution. See the volume on Connecticut, by Alexander Johnston, in the American

Commonwealths Series, chap. vi. In chap. vii of the same work, the early history of the New Haven colony is considered and Davenport's six Queries, which together formed the "Fundamental Agreement" or original constitution of New Haven, are discussed. This New Haven agreement is included in the present leaflet, for comparison with the earlier Hartford constitution. For a fuller treatment of the political development of New Haven, the student is referred to the admirable work by Professor Charles H. Levermore, on "The Republic of New Haven," published in the Johns Hopkins Historical Series; note the comparative estimate of Hooker and Davenport and of the two Connecticut colonies, p. 26. See also the valuable chapters on the founding of the Hartford colony and its early political organization, by Rev. Increase N. Tarbox, in the new "Memorial History of Hartford County." Johnston's work contains a careful bibliography, for the use of the more thorough student of general Connecticut history.

The first constitution of Connecticut—the first written constitution, in the modern sense of the term, as a permanent limitation on governmental power, known in history, and certainly the first American constitution of government to embody the democratic idea—was adopted by a general assembly, or popular convention, of the planters of the three towns, held at Hartford, January 14, 1638 (9). The common opinion is that democracy came into the American system through the compact made in the cabin of the Mayflower, though that instrument was based on no political principle whatever, and began with a formal acknowledgment of the king as the source of all authority. It was the power of the crown "by virtue" of which "equal laws" were to be enacted, and the "covenant" was merely a make-shift to meet a temporary emergency; it had not a particle of political significance, nor was democracy an impelling force in it. It must be admitted that the Plymouth system was accidentally democratic, but it was from the absence of any great need for government, or for care to preserve homogeneity in religion, not from political purpose, as in Connecticut. . . .

It is on the banks of the Connecticut, under the mighty preaching of Thomas Hooker and in the constitution to which he gave life, if not form, that we draw the first breath of that atmosphere which is now so familiar to us. The birthplace of American democracy is Hartford. . . .

It is necessary to notice the peculiar exactness with which the relations of Connecticut towns to the commonwealth are proportioned to the relations of the commonwealth to the United States. In other States, power runs from the State upwards and from the State downwards; in Connecticut, the towns have always been to the commonwealth as the commonwealth to the Union. It was to be the privilege of Connecticut to keep the notion of this federal relation alive until it could be made the fundamental law of all the commonwealths in 1787-89. In this respect, the life principle of the American Union may be traced straight back to the primitive union of the three little settlements on the bank of the Connecticut River. . . .

In the preamble, the inhabitants and residents of Windsor, Hartford and Wethersfield, desiring to establish an orderly and decent government according to God, associated and conjoined themselves to be as one public state or commonwealth, for the purposes of maintaining and preserving the liberty and purity of the gospel, the discipline of the churches, and the orderly conduct of civil affairs according to law. There is no mention or hint of royal, parliamentary, or proprietary authority in any part of the constitution, or in the forms of oaths for governor, magistrates and constables.

which make an appendix to it. The ecclesiastical excrescence upon it, probably inevitable at the time, but absolutely contrary to the spirit of the whole instrument, was to remain and trouble the commonwealth until the political system came fully up to its own original standard in 1818. . . .

The constitution gave the general court power to "admit of freemen;" but the right of suffrage was given unequivocally, by a subsequent addition to the first section, to admitted freemen who had taken the oath of fidelity to the commonwealth; and in 1643, to settle the matter, the court declared that it understood by "admitted inhabitants" those who had been admitted by a town. The towns, therefore, retained complete political control of their own affairs. No attempt was made to define the powers of the towns, for the reason that they, being preëxistent and theoretically independent bodies, had all powers not granted to the commonwealth. To avoid any possible question, the general court, at its meeting in the following October, passed a series of orders, securing to the towns the powers of selling their lands; of choosing their own officers; of passing local laws with penalties; of assessing, taxing, and distraining for non-payment; of choosing a local court of three, five, or seven persons, with power to hear and determine causes arising between inhabitants of the town, and involving not more than forty shillings; of recording titles, bonds, sales and mortgages of lands within the town; and of managing all probate business arising within the town. The really new point introduced by the "orders" was the direction to the towns to choose certain of their chief inhabitants, not exceeding seven, to act as magistrates. Out of this grew rapidly the executive board of the towns known as "selectmen," who have ever since held almost a dictatorship in their towns during the intervals between meetings of their towns, limited by the force of public opinion, by commonwealth statutes, and by personal responsibility. These orders are often called an "incorporation" of the towns by the general court. The word can hardly be defended. All these privileges belonged to the towns already; and the orders of October 10, 1639, are much more like the first ten amendments to the Constitution of the United States, a Bill of Rights, originating in the jealousy of the political units. Indeed, there is hardly a step in the proceedings in Connecticut in 1639 which does not tempt one to digress into the evident parallels in the action on the national stage one hundred and fifty years later. — *Johnston*.



Franklin's Plan of Union.

1754.

PLAN OF UNION OF THE BRITISH AMERICAN COLONIES, ADOPTED BY THE CONVENTION AT ALBANY IN 1754, WITH THE REASONS AND MOTIVES FOR EACH ARTICLE OF THE PLAN.

It is proposed, that humble application be made for an act of Parliament of Great Britain, by virtue of which one general government may be formed in America, including all the said Colonies, within and under which government each Colony may retain its present constitution, except in the particulars wherein a change may be directed by the said act, as hereafter follows.

PRESIDENT-GENERAL AND GRAND COUNCIL.

That the said general government be administered by a President-General, to be appointed and supported by the crown; and a Grand Council, to be chosen by the representatives of the people of the several Colonies met in their respective assemblies.

It was thought that it would be best the President-General should be supported as well as appointed by the crown, that so all disputes between him and the Grand Council concerning his salary might be prevented; as such disputes have been frequently of mischievous consequence in particular Colonies, especially in time of public danger. The quitrents of crown lands in America might in a short time be sufficient for this purpose. The choice of members for the Grand Council is placed in the House of Representatives of each government, in order to give the people a share in this new general government, as the crown has its share by the appointment of the President-General.

But it being proposed by the gentlemen of the Council of New York, and some other counsellors among the commis-

sioners, to alter the plan in this particular, and to give the governors and councils of the several Provinces a share in the choice of the Grand Council, or at least a power of approving and confirming, or of disallowing, the choice made by the House of Representatives, it was said —

“That the government or constitution, proposed to be formed by the plan, consists of two branches; a President-General appointed by the crown, and a Council chosen by the people, or by the people’s representatives, which is the same thing.

“That, by a subsequent article, the Council chosen by the people can effect nothing without the consent of the President-General appointed by the crown; the crown possesses, therefore, full one half of the power of this constitution.

“That in the British constitution, the crown is supposed to possess but one third, the Lords having their share.

“That this constitution seemed rather more favorable for the crown.

“That it is essential to English liberty, that the subject should not be taxed but by his own consent, or the consent of his elected representatives.

“That taxes to be laid and levied by this proposed constitution will be proposed and agreed to by the representatives of the people, if the plan in this particular be preserved;

“But if the proposed alteration should take place, it seemed as if matters may be so managed, as that the crown shall finally have the appointment, not only of the President-General, but of a majority of the Grand Council; for seven out of eleven governors and councils are appointed by the crown;

“And so the people in all the Colonies would in effect be taxed by their governors.

“It was therefore apprehended, that such alterations of the plan would give great dissatisfaction, and that the Colonies could not be easy under such a power in governors, and such an infringement of what they take to be English liberty.

“Besides, the giving a share in the choice of the Grand Council would not be equal with respect to all the Colonies, as their constitutions differ. In some, both governor and council are appointed by the crown: in others, they are both appointed by the proprietors. In some, the people have a share in the choice of the council; in others, both government and council are wholly chosen by the people. But the House of Representatives is everywhere chosen by the people; and,

therefore, placing the right of choosing the Grand Council in the representatives is equal with respect to all.

"That the Grand Council is intended to represent all the several Houses of Representatives of the Colonies, as a House of Representatives doth the several towns or counties of a Colony. Could all the people of a Colony be consulted and unite in public measures, a House of Representatives would be needless, and could all the Assemblies conveniently consult and unite in general measures, the Grand Council would be unnecessary.

"That a House of Commons or the House of Representatives, and the Grand Council, are thus alike in their nature and intention. And, as it would seem improper that the King or House of Lords should have a power of disallowing or appointing members of the House of Commons; so, likewise, that a governor and council appointed by the crown should have a power of disallowing or appointing members of the Grand Council, who, in this constitution, are to be the representatives of the people.

"If the governors and councils therefore were to have a share in the choice of any that are to conduct this general government, it should seem more proper that they choose the President-General. But, this being an office of great trust and importance to the nation, it was thought better to be filled by the immediate appointment of the crown.

"The power proposed to be given by the plan to the Grand Council is only a concentration of the powers of the several Assemblies in certain points for the general welfare; as the power of the President-General is of the several governors in the same points.

"And as the choice therefore of the Grand Council, by the representatives of the people, neither gives the people any new powers, nor diminishes the power of the crown, it was thought and hoped the crown would not disapprove of it."

Upon the whole, the commissioners were of opinion, that the choice was most properly placed in the representatives of the people.

ELECTION OF MEMBERS.

That within months after the passing such act, the House of Representatives that happen to be sitting within that time, or that shall be especially for that purpose convened, may and shall choose members for the Grand Council, in the following proportion, that is to say,

<i>Massachusetts Bay,</i>	7
<i>New Hampshire,</i>	2
<i>Connecticut,</i>	5
<i>Rhode Island,</i>	2
<i>New York,</i>	4
<i>New Jersey,</i>	3
<i>Pennsylvania,</i>	6
<i>Maryland,</i>	4
<i>Virginia,</i>	7
<i>North Carolina,</i>	4
<i>South Carolina,</i>	4
	<hr/> 48

It was thought, that if the least Colony was allowed two, and the others in proportion, the number would be very great, and the expense heavy; and that less than two would not be convenient, as, a single person being by any accident prevented appearing at the meeting, the Colony he ought to appear for would not be represented. That, as the choice was not immediately popular, they would be generally men of good abilities for business, and men of reputation for integrity; and that forty-eight such men might be a number sufficient. But, though it was thought reasonable that each Colony should have a share in the representative body in some degree according to the proportion it contributed to the general treasury, yet the proportion of wealth or power of the Colonies is not to be judged by the proportion here fixed; because it was at first agreed, that the greatest Colony should not have more than seven members, nor the least less than two; and the setting these proportions between these two extremes was not nicely attended to, as it would find itself, after the first election, from the sums brought into the treasury, as by a subsequent article.

PLACE OF FIRST MEETING.

—who shall meet for the first time at the city of Philadelphia in Pennsylvania, being called by the President-General as soon as conveniently may be after his appointment.

Philadelphia was named as being nearer the centre of the Colonies, where the commissioners would be well and cheaply accommodated. The high roads, through the whole extent, are for the most part very good, in which forty or fifty miles a day may very well be, and frequently are, travelled. Great part of the way may likewise be gone by water. In summer

time, the passages are frequently performed in a week from Charleston to Philadelphia and New York ; and from Rhode Island to New York through the Sound, in two or three days ; and from New York to Philadelphia, by water and land, in two days, by stage, boats, and wheel-carriages that set out every other day. The journey from Charleston to Philadelphia may likewise be facilitated by boats running up Chesapeake Bay three hundred miles. But if the whole journey be performed on horseback, the most distant members, viz., the two from New Hampshire and from South Carolina, may probably render themselves at Philadelphia in fifteen or twenty days ; the majority may be there in much less time.

NEW ELECTION.

That there shall be a new election of the members of the Grand Council every three years ; and, on the death or resignation of any member, his place should be supplied by a new choice at the next sitting of the Assembly of the Colony he represented.

Some Colonies have annual assemblies, some continue during a governor's pleasure ; three years was thought a reasonable medium, as affording a new member time to improve himself in the business, and to act after such improvement, and yet giving opportunities, frequently enough, to change him, if he has misbehaved.

PROPORTION OF MEMBERS AFTER THE FIRST THREE YEARS.

That after the first three years, when the proportion of money arising out of each Colony to the general treasury can be known, the number of members to be chosen for each Colony shall, from time to time, in all ensuing elections, be regulated by that proportion, yet so as that the number to be chosen by any one Province be not more than seven, nor less than two.

By a subsequent article, it is proposed that the General Council shall lay and levy such general duties as to them may appear most equal and least burdensome, &c. Suppose, for instance, they lay a small duty or excise on some commodity imported into or made in the Colonies, and pretty generally and equally used in all of them, as rum perhaps, or wine ; the yearly produce of this duty or excise, if fairly collected, would be in some Colonies greater, in others less, as the Colonies are greater or smaller. When the collector's accounts are brought in, the proportions will appear ; and from them it is proposed

to regulate the proportion of representatives to be chosen at the next general election, within the limits however of seven and two. These numbers may therefore vary in the course of years, as the Colonies may in the growth and increase of people. And thus the quota of tax from each Colony would naturally vary with its circumstances, thereby preventing all disputes and dissatisfaction about the just proportions due from each ; which might otherwise produce pernicious consequences, and destroy the harmony and good agreement that ought to subsist between the several parts of the Union.

MEETINGS OF THE GRAND COUNCIL, AND CALL.

That the Grand Council shall meet once in every year, and oftener if occasion require, at such time and place as they shall adjourn to at the last preceding meeting, or as they shall be called to meet at by the President-General on any emergency ; he having first obtained in writing the consent of seven of the members to such call, and sent due and timely notice to the whole.

It was thought, in establishing and governing new colonies or settlements, regulating Indian trade, Indian treaties, &c., there would every year sufficient business arise to require at least one meeting, and at such meeting many things might be suggested for the benefit of all the Colonies. This annual meeting may either be at a time or place certain, to be fixed by the President-General and Grand Council at their first meeting ; or left at liberty, to be at such time and place as they shall adjourn to, or be called to meet at by the President-General.

In time of war, it seems convenient that the meeting should be in that Colony which is nearest the seat of action.

The power of calling them on any emergency seemed necessary to be vested in the President General ; but, that such power might not be wantonly used to harass the members, and oblige them to make frequent long journeys to little purpose, the consent of seven at least to such call was supposed a convenient guard.

CONTINUANCE.

That the Grand Council have power to choose their speaker ; and shall neither be dissolved, prorogued, nor continued sitting longer than six weeks at one time, without their own consent or the special command of the crown.

The speaker should be presented for approbation ; it being convenient, to prevent misunderstandings and disgusts, that the

mouth of the Council should be a person agreeable, if possible, both to the Council and President-General.

Governors have sometimes wantonly exercised the power of proroguing or continuing the sessions of Assemblies, merely to harass the members and compel a compliance; and sometimes dissolve them on slight dis gusts. This it was feared, might be done by the President-General, if not provided against; and the inconvenience and hardship would be greater in the general government than in particular Colonies, in proportion to the distance the members must be from home during sittings, and the long journeys some of them must necessarily take.

MEMBERS' ALLOWANCE.

That the members of the Grand Council shall be allowed for their service ten shillings sterling per diem, during their session and journey to and from the place of meeting; twenty miles to be reckoned a day's journey.

It was thought proper to allow *some* wages, lest the expense might deter some suitable persons from the service; and not to allow *too great* wages, lest unsuitable persons should be tempted to cabal for the employment, for the sake of gain. Twenty miles were set down as a day's journey, to allow for accidental hinderances on the road, and the greater expenses of travelling than residing at the place of meeting.

ASSENT OF PRESIDENT-GENERAL AND HIS DUTY.

That the assent of the President-General be requisite to all acts of the Grand Council, and that it be his office and duty to cause them to be carried into execution.

The assent of the President-General to all acts of the Grand Council was made necessary, in order to give the crown its due share of influence in this government, and connect it with that of Great Britain. The President-General, besides one half of the legislative power, hath in his hands the whole executive power.

POWER OF PRESIDENT-GENERAL AND GRAND COUNCIL; TREATIES OF PEACE AND WAR.

That the President-General, with the advice of the Grand Council, hold or direct all Indian treaties, in which the general interest of the Colonies may be concerned; and make peace or declare war with Indian nations.

The power of making peace or war with Indian nations is at present supposed to be in every Colony, and is expressly granted to some by charter, so that no new power is hereby intended to be granted to the Colonies. But as, in consequence of this power, one Colony might make peace with a nation that another was justly engaged in war with; or make war on slight occasions without the concurrence or approbation of neighboring Colonies, greatly endangered by it; or make particular treaties of neutrality in case of a general war, to their own private advantage in trade, by supplying the common enemy; of all which there have been instances; it was thought better to have all treaties of a general nature under a general direction, that so the good of the whole may be consulted and provided for.

INDIAN TRADE.

That they make such laws as they judge necessary for regulating all Indian trade.

Many quarrels and wars have arisen between the Colonies and Indian nations, through the bad conduct of traders who cheat the Indians after making them drunk, &c., to the great expense of the Colonies, both in blood and treasure. Particular Colonies are so interested in the trade, as not to be willing to admit such a regulation as might be best for the whole; and therefore it was thought best under a general direction.

INDIAN PURCHASES.

That they make all purchases from Indians, for the crown, of lands not now within the bounds of particular Colonies, or that shall not be within their bounds when some of them are reduced to more convenient dimensions.

Purchases from the Indians, made by private persons, have been attended with many inconveniences. They have frequently interfered, and occasioned uncertainty of titles, many disputes and expensive lawsuits, and hindered the settlement of the land so disputed. Then the Indians have been cheated by such private purchases, and discontent and wars have been the consequence. These would be prevented by public fair purchases.

Several of the Colony charters in America extend their bounds to the South Sea, which may be perhaps three or four thousand miles in length to one or two hundred miles in breadth. It is supposed they must in time be reduced to dimensions more convenient for the common purposes of government.

Very little of the land in those grants is yet purchased of the Indians.

It is much cheaper to purchase of them, than to take and maintain the possession by force; for they are generally very reasonable in their demands for land; and the expense of guarding a large frontier against their incursions is vastly great; because all must be guarded, and always guarded, as we know not where or when *to expect them*.

NEW SETTLEMENTS.

That they make new settlements on such purchases, by granting lands in the King's name, reserving a quitrent to the crown for the use of the general treasury.

It is supposed better that there should be one purchaser than many; and that the crown should be that purchaser, or the Union in the name of the crown. By this means the bargains may be more easily made, the price not enhanced by numerous bidders, future disputes about private Indian purchases, and monopolies of vast tracts to particular persons (which are prejudicial to the settlement and peopling of the country), prevented; and, the land being again granted in small tracts to the settlers, the quitrents reserved may in time become a fund for support of government, for defence of the country, ease of taxes, &c.

Strong forts on the Lakes, the Ohio, &c., may, at the same time they secure our present frontiers, serve to defend new colonies settled under their protection; and such colonies would also mutually defend and support such forts, and better secure the friendship of the far Indians.

A particular Colony has scarce strength enough to extend itself by new settlements, at so great a distance from the old; but the joint force of the Union might suddenly establish a new Colony or two in those parts, or extend an old Colony to particular passes, greatly to the security of our present frontiers, increase of trade and people, breaking off the French communication between Canada and Louisiana, and speedy settlement of the intermediate lands.

The power of settling new colonies is therefore thought a valuable part of the plan, and what cannot so well be executed by two unions as by one.

LAWS TO GOVERN THEM.

That they make laws for regulating and governing such new settlements, till the crown shall think fit to form them into particular governments.

The making of laws suitable for the new colonies, it was thought, would be properly vested in the President-General and Grand Council; under whose protection they must at first necessarily be, and who would be well acquainted with their circumstances, as having settled them. When they are become sufficiently populous, they may by the crown be formed into complete and distinct governments.

The appointment of a sub-president by the crown, to take place in case of the death or absence of the President-General, would perhaps be an improvement of the plan; and if all the governors of particular provinces were to be formed into a standing council of state, for the advice and assistance of the President-General, it might be another considerable improvement.

RAISE SOLDIERS, AND EQUIP VESSELS, &C.

That they raise and pay soldiers and build forts for the defence of any of the Colonies, and equip vessels of force to guard the coasts and protect the trade on the ocean, lakes, or great rivers; but they shall not impress men in any Colony, without the consent of the legislature.

It was thought that quotas of men, to be raised and paid by the several Colonies, and joined for any public service, could not always be got together with the necessary expedition. For instance, suppose one thousand men should be wanted in New Hampshire on any emergency. To fetch them by fifties and hundreds out of every Colony, as far as South Carolina, would be inconvenient, the transportation chargeable, and the occasion perhaps passed before they could be assembled; and therefore it would be best to raise them (by offering bounty-money and pay) near the place where they would be wanted, to be discharged again when the service should be over.

Particular Colonies are at present backward to build forts at their own expense, which they say will be equally useful to their neighboring Colonies; who refuse to join, on a presumption that such forts *will* be built and kept up, though they contribute nothing. This unjust conduct weakens the whole; but the forts being for the good of the whole, it was thought best they should be built and maintained by the whole, out of the common treasury.

In the time of war, small vessels of force are sometimes necessary in the Colonies to scour the coasts of small privateers. These being provided by the Union will be an advantage in turn

to the Colonies which are situated on the sea, and whose frontiers on the land-side, being covered by other Colonies, reap but little immediate benefit from the advanced forts.

POWER TO MAKE LAWS, LAY DUTIES, &C.

That for these purposes they have power to make laws, and lay and levy such general duties, imposts, or taxes, as to them shall appear most equal and just (considering the ability and other circumstances of the inhabitants in the several Colonies), and such as may be collected with the least inconvenience to the people; rather discouraging luxury, than loading industry with unnecessary burdens.

The laws which the President-General and Grand Council are empowered to make *are such only* as shall be necessary for the government of the settlements; the raising, regulating, and paying soldiers for the general service; the regulating of Indian trade; and laying and collecting the general duties and taxes. They should also have a power to restrain the exportation of provisions to the enemy from any of the Colonies, on particular occasions, in time of war. But it is not intended that they may interfere with the constitution and government of the particular Colonies; who are to be left to their own laws, and to lay, levy, and apply their own taxes, as before.

GENERAL TREASURER AND PARTICULAR TREASURER.

That they may appoint a General Treasurer and Particular Treasurer in each government when necessary; and, from time to time, may order the sums in the treasuries of each government into the general treasury; or draw on them for special payments, as they find most convenient.

The treasurers here meant are only for the general funds, and not for the particular funds of each Colony, which remain in the hands of their own treasurers, at their own disposal.

MONEY, HOW TO ISSUE.

Yet no money to issue but by joint orders of the President-General and Grand Council; except where sums have been appropriated to particular purposes, and the President-General is previously empowered by an act to draw such sums.

To prevent misapplication of the money, or even application that might be dissatisfactory to the crown or the people, it was thought necessary to join the President-General and Grand Council in all issues of money.

ACCOUNTS.

That the general accounts shall be yearly settled and reported to the several Assemblies.

By communicating the accounts yearly to each Assembly, they will be satisfied of the prudent and honest conduct of their representatives in the Grand Council.

QUORUM.

That a quorum of the Grand Council, empowered to act with the President-General, do consist of twenty-five members; among whom there shall be one or more from a majority of the Colonies.

The quorum seems large, but it was thought it would not be satisfactory to the Colonies in general to have matters of importance to the whole transacted by a smaller number, or even by this number of twenty-five, unless there were among them one at least from a majority of the Colonies; because, otherwise, the whole quorum being made up of members from three or four Colonies at one end of the Union, something might be done that would not be equal with respect to the rest, and thence dissatisfaction and discords might rise to the prejudice of the whole.

LAWS TO BE TRANSMITTED.

That the laws made by them for the purposes aforesaid shall not be repugnant, but, as near as may be, agreeable to the laws of England, and shall be transmitted to the King in Council for approbation, as soon as may be after their passing; and if not disapproved within three years after presentation, to remain in force.

This was thought necessary for the satisfaction of the crown, to preserve the connection of the parts of the British empire with the whole, of the members with the head, and to induce greater care and circumspection in making of the laws, that they be good in themselves and for the general benefit.

DEATH OF THE PRESIDENT-GENERAL.

That, in case of the death of the President-General, the Speaker of the Grand Council for the time being shall succeed, and be vested with the same powers and authorities, to continue till the King's pleasure be known.

It might be better, perhaps, as was said before, if the crown

appointed a Vice-President, to take place on the death or absence of the President-General; for so we should be more sure of a suitable person at the head of the Colonies. On the death or absence of both, the Speaker to take place (or rather the eldest King's governor) till his Majesty's pleasure be known.

OFFICERS, HOW APPOINTED.

That all military commission officers, whether for land or sea service, to act under this general constitution, shall be nominated by the President-General; but the approbation of the Grand Council is to be obtained, before they receive their commissions. And all civil officers are to be nominated by the Grand Council, and to receive the President-General's approbation before they officiate.

It was thought it might be very prejudicial to the service, to have officers appointed unknown to the people, or unacceptable, the generality of Americans serving willingly under officers they know; and not caring to engage in the service under strangers, or such as are often appointed by governors through favor or interest. The service here meant is not the stated, settled service in standing troops; but any sudden and short service, either for defence of our Colonies, or invading the enemy's country (such as the expedition to Cape Breton in the last war; in which many substantial farmers and tradesmen engaged as common soldiers, under officers of their own country, for whom they had an esteem and affection; who would not have engaged in a standing army, or under officers from England). It was therefore thought best to give the Council the power of approving the officers, which the people will look upon as a great security of their being good men. And without some such provision as this, it was thought the expense of engaging men in the service on any emergency would be much greater, and the number who could be induced to engage much less; and that therefore it would be most for the King's service and general benefit of the nation, that the prerogative should relax a little in this particular throughout all the Colonies in America; as it had already done much more in the charters of some particular Colonies, viz. Connecticut and Rhode Island.

The civil officers will be chiefly treasurers and collectors of taxes; and the suitable persons are most likely to be known by the Council.

VACANCIES, HOW SUPPLIED.

But, in case of vacancy by death or removal of any officer, civil or military, under this constitution, the Governor of the Province

in which such vacancy happens may appoint, till the pleasure of the President-General and Grand Council can be known.

The vacancies were thought best supplied by the governors in each Province, till a new appointment can be regularly made ; otherwise the service might suffer before the meeting of the President-General and Grand Council.

EACH COLONY MAY DEFEND ITSELF ON EMERGENCY, &C.

That the particular military as well as civil establishments in each Colony remain in their present state, the general constitution notwithstanding ; and that on sudden emergencies any Colony may defend itself, and lay the accounts of expense thence arising before the President-General and General Council, who may allow and order payment of the same, as far as they judge such accounts just and reasonable.

Otherwise the union of the whole would weaken the parts, contrary to the design of the union. The accounts are to be judged of by the President-General and Grand Council, and allowed if found reasonable. This was thought necessary to encourage Colonies to defend themselves, as the expense would be light when borne by the whole ; and also to check imprudent and lavish expense in such defences.

The Plan of Union adopted by the Albany Convention in 1754, although it failed, was the most important federal measure in the Colonies before the Revolution. The Confederacy of the United Colonies of New England, established in 1643, had been the only important previous federation. After this Confederacy ceased to exist, various plans were proposed at different times for a union of the Colonies, chiefly with reference to more efficient action against the Indians and the French. William Penn in 1697 had proposed an annual congress of all the Colonies, with power to regulate commerce. Daniel Coxe, in the preface to his *Description of Carolana*, published in London in 1722, outlined a plan of union which strikingly resembled the scheme submitted by Franklin to the Albany Convention. But these plans were without result. The Convention at Albany, June 19, 1754, met at the prompting of the Board of Trade, which instructed the royal governors to treat with the Six Nations and concert general measures of defence, with reference to the impending French war. Seven of the Colonies, viz., New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, and Maryland, were represented in the convention by twenty-five delegates. Virginia was also represented, by Lieutenant-governor Delancey of New York. "America," says Bancroft, "had never an assembly so venerable for the states that were represented, or for the great and able men who composed it." All felt some union of the Colonies

to be absolutely necessary. Massachusetts had definitely authorized her commissioners to "enter into articles of union and confederation for the general defence of his Majesty's subjects and interests in North America, as well in time of peace as of war." While the negotiations with the Indians were pending, a committee, consisting of Hutchinson of Massachusetts, Hopkins of Rhode Island, Smith of New York, Tasker of Maryland, and Benjamin Franklin of Pennsylvania, was deputed to prepare a constitution for a perpetual confederacy of the continent. Franklin had some time before sketched a plan of union in outline, which had been seen and approved by some of his friends in New York. This he now brought forward and perfected, at the request of the committee; and after several days' debate in the convention, it was adopted, either unanimously or with the solitary dissent of Connecticut. The plan did not entirely satisfy Franklin himself. "It is not altogether to my mind," he said afterwards, "but it is as I could get it." And curiously it proved acceptable in almost no quarter. It was rejected by all the Colonial Assemblies in America, and it was rejected by the Board of Trade in England, which simply submitted it to the king without comment. "The Assemblies," said Franklin, "all thought there was too much *prerogative* in it, and in England it was thought to have too much of the *democratic*." But the plan familiarized the American people with the idea of union, doing much to prepare them for concerted action in the Revolutionary struggle twenty years later; and it constitutes a notable landmark in the history of the development of the national principle.

See the full account of the Proceedings of the Congress, together with many illustrative papers, in *Documents Relating to the Colonial History of the State of New York*, vol. vi. See also papers in the *Collections of the Massachusetts Historical Society*, 1836. The best general account of the Convention, perhaps, is that in Frothingham's *Rise of the Republic*. The Plan of Union is here printed as it appears in Sparks's edition of Franklin's writings, the several Articles of Union being in Italic type, and the reasons and motives for them in Roman.

"We met the other commissioners at Albany about the middle of June. In our way thither, I projected and drew a plan for the union of all the colonies under one government, so far as might be necessary for defense, and other important general purposes. As we pass'd thro' New York, I had there shown my project to Mr. James Alexander and Mr. Kennedy, two gentlemen of great knowledge in public affairs, and, being fortified by their approbation, I ventur'd to lay it before the Congress. It then appeared that several of the commissioners had form'd plans of the same kind. A previous question was first taken, whether a union should be established, which pass'd in the affirmative unanimously. A committee was then appointed, one member from each colony, to consider the several plans and report. Mine happen'd to be preferr'd, and, with a few amendments, was accordingly reported. The debates upon it in Congress went on daily, hand in hand with the Indian business. Many objections and difficulties were started, but at length they were all overcome, and the plan was unanimously agreed to, and copies ordered to be transmitted to the Board of Trade and to the assemblies of the several provinces. Its fate was singular: the assemblies did not adopt it, as they all thought there was too much *prerogative* in it, and in England it was judg'd to have too much of the *democratic*. The Board of Trade therefore did not approve of it, nor recommend it for the approbation of his majesty; but another scheme was form'd, supposed to answer the same purpose better, whereby the governors of the provinces,

with some members of their respective councils, were to meet and order the raising of troops, building of forts, etc., and to draw on the treasury of Great Britain for the expense, which was afterwards to be refunded by an act of Parliament laying a tax on America. My plan, with my reasons in support of it, is to be found among my political papers that are printed. Being the winter following in Boston, I had much conversation with Governor Shirley upon both the plans. Part of what passed between us on the occasion may also be seen among those papers. The different and contrary reasons of dislike to my plan makes me suspect that it was really the true medium; and I am still of opinion it would have been happy for both sides the water if it had been adopted. The colonies, so united, would have been sufficiently strong to have defended themselves; there would then have been no need of troops from England; of course, the subsequent pretence for taxing America, and the bloody contest it occasioned, would have been avoided. But such mistakes are not new: history is full of the errors of states and princes.

‘Look round the habitable world, how few
Know their own good, or, knowing it, pursue!’

Those who govern, having much business on their hands, do not generally like to take the trouble of considering and carrying into execution new projects. The best public measures are therefore seldom *adopted from previous wisdom, but forc'd by the occasion.*” — *Franklin's Autobiography.*



Washington's Inaugurals.

INAUGURAL SPEECH

To both Houses of Congress, April 30, 1789.

FELLOW-CITIZENS OF THE SENATE AND HOUSE OF REPRESENTATIVES:

Among the vicissitudes incident to life, no event could have filled me with greater anxieties, than that of which the notification was transmitted by your order, and received on the 14th day of the present month. On the one hand, I was summoned by my country, whose voice I can never hear but with veneration and love, from a retreat which I had chosen with the fondest predilection, and, in my flattering hopes, with an immutable decision, as the asylum of my declining years; a retreat which was rendered every day more necessary as well as more dear to me, by the addition of habit to inclination, and of frequent interruptions in my health to the gradual waste committed on it by time. On the other hand, the magnitude and difficulty of the trust, to which the voice of my country called me, being sufficient to awaken in the wisest and most experienced of her citizens a distrustful scrutiny into his qualifications, could not but overwhelm with despondence one, who, inheriting inferior endowments from nature, and unpracticed in the duties of civil administration, ought to be peculiarly conscious of his own deficiencies. In this conflict of emotions, all I dare aver is, that it has been my faithful study to collect my duty from a just appreciation of every circumstance by which it might be affected. All I dare hope is, that, if in executing this task, I have been too much swayed by a grateful remembrance of former instances, or by an affectionate sensibility to this transcendent proof of the confidence of my fellow-citizens; and have thence too little consulted my incapacity as well as disinclination for the weighty and untried cares before me; my error will be palliated by the

natives which misled me, and its consequences be judged by my country with some share of the partiality in which they originated.

Such being the impressions under which I have, in obedience to the public summons, repaired to the present station, it would be peculiarly improper to omit, in this first official act, my fervent supplications to that Almighty Being, who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that his benediction may consecrate to the liberties and happiness of the people of the United States a government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration to execute with success the functions allotted to his charge. In tendering this homage to the great Author of every public and private good, I assure myself that it expresses your sentiments not less than my own; nor those of my fellow-citizens at large, less than either. No people can be bound to acknowledge and adore the invisible hand, which conducts the affairs of men, more than the people of the United States. Every step, by which they have advanced to the character of an independent nation, seems to have been distinguished by some token of providential agency. And, in the important revolution just accomplished in the system of their united government, the tranquil deliberations and voluntary consent of so many distinct communities, from which the event has resulted, cannot be compared with the means by which most governments have been established, without some return of pious gratitude along with an humble anticipation of the future blessings which the past seems to presage. These reflections, arising out of the present crisis, have forced themselves too strongly on my mind to be suppressed. You will join with me, I trust, in thinking that there are none, under the influence of which the proceedings of a new and free government can more auspiciously commence.

By the article establishing the executive department, it is made the duty of the President "to recommend to your consideration such measures as he shall judge necessary and expedient." The circumstances, under which I now meet you, will acquit me from entering into that subject farther than to refer you to the great constitutional charter under which we are assembled; and which, in defining your powers, designates the objects to which your attention is to be given. It will be more consistent with those circumstances, and far more congenial with the feelings which actuate me, to substitute, in place of a recom-

mendation of particular measures, the tribute that is due to the talents, the rectitude, and the patriotism, which adorn the characters selected to devise and adopt them. In these honorable qualifications I behold the surest pledges, that as, on one side, no local prejudices or attachments, no separate views or party animosities, will misdirect the comprehensive and equal eye, which ought to watch over this great assemblage of communities and interests; so, on another, that the foundations of our national policy will be laid in the pure and immutable principles of private morality, and the preëminence of a free government be exemplified by all the attributes, which can win the affections of its citizens, and command the respect of the world.

I dwell on this prospect with every satisfaction, which an ardent love for my country can inspire; since there is no truth more thoroughly established, than that there exists in the economy and course of nature an indissoluble union between virtue and happiness, between duty and advantage, between the genuine maxims of an honest and magnanimous policy, and the solid rewards of public prosperity and felicity; since we ought to be no less persuaded that the propitious smiles of Heaven can never be expected on a nation that disregards the eternal rules of order and right, which Heaven itself has ordained; and since the preservation of the sacred fire of liberty, and the destiny of the republican model of government, are justly considered as *deeply*, perhaps as *finally* staked on the experiment intrusted to the hands of the American people.

Besides the ordinary objects submitted to your care, it will remain with your judgment to decide, how far an exercise of the occasional power delegated by the fifth article of the Constitution is rendered expedient at the present juncture by the nature of objections which have been urged against the system, or by the degree of inquietude which has given birth to them. Instead of undertaking particular recommendations on this subject, in which I could be guided by no lights derived from official opportunities, I shall again give way to my entire confidence in your discernment and pursuit of the public good; for I assure myself, that, whilst you carefully avoid every alteration, which might endanger the benefits of a united and effective government, or which ought to await the future lessons of experience; a reverence for the characteristic rights of freemen, and a regard for the public harmony, will sufficiently influence your deliberations on the question, how far the former can be more *impregably* fortified, or the latter be safely and advantageously promoted.

To the preceding observations I have one to add, which will be most properly addressed to the House of Representatives. It concerns myself, and will therefore be as brief as possible. When I was first honored with a call into the service of my country, then on the eve of an arduous struggle for its liberties, the light in which I contemplated my duty required, that I should renounce every pecuniary compensation. From this resolution I have in no instance departed. And being still under the impressions which produced it, I must decline as inapplicable to myself any share in the personal emoluments, which may be indispensably included in a permanent provision for the executive department; and must accordingly pray, that the pecuniary estimates for the station in which I am placed may, during my continuance in it, be limited to such actual expenditures as the public good may be thought to require.

Having thus imparted to you my sentiments, as they have been awakened by the occasion which brings us together, I shall take my present leave; but not without resorting once more to the benign Parent of the human race, in humble supplication, that, since he has been pleased to favor the American people with opportunities for deliberating in perfect tranquillity, and dispositions for deciding with unparalleled unanimity on a form of government for the security of their union and the advancement of their happiness; so his divine blessing may be equally *conspicuous* in the enlarged views, the temperate consultations, and the wise measures, on which the success of this government must depend.

REPLY TO THE ANSWER OF THE SENATE.

GENTLEMEN,

I thank you for your address, in which the most affectionate sentiments are expressed in the most obliging terms. The coincidence of circumstances, which led to this auspicious crisis, the confidence reposed in me by my fellow-citizens, and the assistance I may expect from counsels, which will be dictated by an enlarged and liberal policy, seem to presage a more prosperous issue to my administration, than a diffidence of my abilities had taught me to anticipate. I now feel myself inexpressibly happy in a belief, that Heaven, which has done so much for our infant nation, will not withdraw its providential influence before our political felicity shall have been completed; and in a conviction, that the Senate will at all times coöperate in every measure, which may tend to promote the welfare of this confederated republic.

Thus supported by a firm trust in the great Arbiter of the universe, aided by the collected wisdom of the Union, and imploring the divine benediction on our joint exertions in the service of our country, I readily engage with you in the arduous but pleasing task of attempting to make a nation happy.

REPLY TO THE ANSWER OF THE HOUSE OF REPRESENTATIVES.

GENTLEMEN,

Your very affectionate address produces emotions, which I know not how to express. I feel, that my past endeavours in the service of my country are far overpaid by its goodness; and I fear much, that my future ones may not fulfil your kind anticipation. All that I can promise is, that they will be invariably directed by an honest and an ardent zeal. Of this resource my heart assures me. For all beyond, I rely on the wisdom and patriotism of those with whom I am to coöperate, and a continuance of the blessings of Heaven on our beloved country.

SPEECH TO BOTH HOUSES OF CONGRESS.

December 3d, 1793.

FELLOW-CITIZENS OF THE SENATE AND HOUSE OF REPRESENTATIVES,

Since the commencement of the term, for which I have been again called into office, no fit occasion has arisen for expressing to my fellow-citizens at large, the deep and respectful sense, which I feel, of the renewed testimony of public approbation. While, on the one hand, it awakened my gratitude for all those instances of affectionate partiality, with which I have been honored by my country; on the other, it could not prevent an earnest wish for that retirement, from which no private consideration should ever have torn me. But influenced by the belief, that my conduct would be estimated according to its real motives, and that the people, and the authorities derived from them, would support exertions having nothing personal for their object, I have obeyed the suffrage, which commanded me to resume the executive power; and I humbly implore that Being, on whose will the fate of nations depends, to crown with success our mutual endeavours for the general happiness.

As soon as the war in Europe had embraced those powers, with whom the United States have the most extensive relations, there was reason to apprehend, that our intercourse with them might be interrupted, and our disposition for peace drawn into question, by the suspicions too often entertained by belligerent nations. It seemed, therefore, to be my duty to admonish our citizens of the consequences of a contraband trade, and of hostile acts to any of the parties; and to obtain, by a declaration of the existing legal state of things, an easier admission of our right

to the immunities belonging to our situation. Under these impressions, the Proclamation, which will be laid before you, was issued.

In this posture of affairs, both new and delicate, I resolved to adopt general rules, which should conform to the treaties and assert the privileges of the United States. These were reduced into a system, which will be communicated to you. Although I have not thought myself at liberty to forbid the sale of the prizes, permitted by our treaty of commerce with France to be brought into our ports, I have not refused to cause them to be restored, when they were taken within the protection of our territory, or by vessels commissioned or equipped in a warlike form within the limits of the United States.

It rests with the wisdom of Congress to correct, improve, or enforce this plan of procedure; and it will probably be found expedient to extend the legal code, and the jurisdiction of the courts of the United States, to many cases, which, though dependent on principles already recognised, demand some further provisions.

Where individuals shall within the United States array themselves in hostility against any of the powers at war; or enter upon military expeditions or enterprises within the jurisdiction of the United States; or usurp and exercise judicial authority within the United States; or where the penalties on violations of the law of nations may have been indistinctly marked, or are inadequate; these offences cannot receive too early and close an attention, and require prompt and decisive remedies.

Whatsoever those remedies may be, they will be well administered by the judiciary, who possess a long-established course of investigation, effectual process, and officers in the habit of executing it. In like manner, as several of the courts have *doubted*, under particular circumstances, their power to liberate the vessels of a nation at peace, and even of a citizen of the United States, although seized under a false color of being hostile property; and have *denied* their power to liberate certain captures within the protection of our territory; it would seem proper to regulate their jurisdiction in these points. But if the executive is to be the resort in either of the two last-mentioned cases, it is hoped, that he will be authorized by law to have facts ascertained by the courts, when, for his own information, he shall request it.

I cannot recommend to your notice measures for the fulfilment of *our* duties to the rest of the world, without again press-

ing upon you the necessity of placing ourselves in a condition of complete defence, and of exacting from *them* the fulfilment of *their* duties towards *us*. The United States ought not to indulge a persuasion, that, contrary to the order of human events, they will for ever keep at a distance those painful appeals to arms, with which the history of every other nation abounds. There is a rank due to the United States among nations, which will be withheld, if not absolutely lost, by the reputation of weakness. If we desire to avoid insult, we must be able to repel it; if we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known, that we are at all times ready for war.

The documents, which will be presented to you, will show the amount and kinds of arms and military stores now in our magazines and arsenals; and yet an addition even to these supplies cannot with prudence be neglected, as it would leave nothing to the uncertainty of procuring a warlike apparatus in the moment of public danger. Nor can such arrangements, with such objects, be exposed to the censure or jealousy of the warmest friends of republican government. They are incapable of abuse in the hands of the militia, who ought to possess a pride in being the depository of the force of the Republic, and may be trained to a degree of energy, equal to every military exigency of the United States. But it is an inquiry, which cannot be too solemnly pursued, whether the act "more effectually to provide for the national defence by establishing a uniform militia throughout the United States," has organized them so as to produce their full effect; whether your own experience in the several States has not detected some imperfections in the scheme; and whether a material feature, in an improvement of it, ought not to be to afford an opportunity for the study of those branches of the military art, which can scarcely ever be attained by practice alone.

The connexion of the United States with Europe has become extremely interesting. The occurrences, which relate to it, and have passed under the knowledge of the executive, will be exhibited to Congress in a subsequent communication.

When we contemplate the war on our frontiers, it may be truly affirmed, that every reasonable effort has been made to adjust the causes of dissension with the Indians north of the Ohio. The instructions given to the commissioners evince a moderation and equity proceeding from a sincere love of peace, and a liberality having no restriction but the essential interests and dignity of the United States. The attempt, however, of

an amicable negotiation having been frustrated, the troops have marched to act offensively. Although the proposed treaty did not arrest the progress of military preparation, it is doubtful how far the advance of the season, before good faith justified active movements, may retard them, during the remainder of the year. From the papers and intelligence, which relate to this important subject, you will determine, whether the deficiency in the number of troops, granted by law, shall be compensated by succours of militia; or additional encouragements shall be proposed to recruits. An anxiety has been also demonstrated by the executive for peace with the Creeks and the Cherokees. The former have been relieved with corn and with clothing, and offensive measures against them prohibited, during the recess of Congress. To satisfy the complaints of the latter, prosecutions have been instituted for the violences committed upon them. But the papers, which will be delivered to you, disclose the critical footing on which we stand in regard to both those tribes; and it is with Congress to pronounce what shall be done.

After they shall have provided for the present emergency, it will merit their most serious labors, to render tranquillity with the savages permanent by creating ties of interest. Next to a rigorous execution of justice on the violators of peace, the establishment of commerce with the Indian nations on behalf of the United States is most likely to conciliate their attachment. But it ought to be conducted without fraud, without extortion, with constant and plentiful supplies, with a ready market for the commodities of the Indians, and a stated price for what they give in payment, and receive in exchange. Individuals will not pursue such a traffic, unless they be allured by the hope of profit; but it will be enough for the United States to be reimbursed only. Should this recommendation accord with the opinion of Congress, they will recollect, that it cannot be accomplished by any means yet in the hands of the Executive.

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES,

The commissioners, charged with the settlement of accounts between the United and individual States, concluded their important functions within the time limited by law; and the balances, struck in their report, which will be laid before Congress, have been placed on the books of the treasury.

On the first day of June last, an instalment of one million of florins became payable on the loans of the United States in

Holland. This was adjusted by a prolongation of the period of reimbursement, in the nature of a new loan, at interest at five per cent for the term of ten years; and the expenses of this operation were a commission of three per cent.

The first instalment of the loan of two millions of dollars from the bank of the United States has been paid, as was directed by law. For the second, it is necessary that provision should be made.

No pecuniary consideration is more urgent than the regular redemption and discharge of the public debt; on none can delay be more injurious, or an economy of time more valuable.

The productiveness of the public revenues hitherto has continued to equal the anticipations which were formed of it; but it is not expected to prove commensurate with all the objects, which have been suggested. Some auxiliary provisions will, therefore, it is presumed, be requisite; and it is hoped that these may be made, consistently with a due regard to the convenience of our citizens, who cannot but be sensible of the true wisdom of encountering a small present addition to their contributions, to obviate a future accumulation of burdens.

But here I cannot forbear to recommend a repeal of the tax on the transportation of public prints. There is no resource so firm for the government of the United States, as the affections of the people, guided by an enlightened policy; and to this primary good, nothing can conduce more than a faithful representation of public proceedings, diffused without restraint throughout the United States.

An estimate of the appropriations necessary for the current service of the ensuing year, and a statement of a purchase of arms and military stores made during the recess, will be presented to Congress.

GENTLEMEN OF THE SENATE AND HOUSE OF REPRESENTATIVES,

The several subjects, to which I have now referred, open a wide range to your deliberations, and involve some of the choicest interests of our common country. Permit me to bring to your remembrance the magnitude of your task. Without an unprejudiced coolness, the welfare of the government may be hazarded; without harmony, as far as consists with freedom of sentiment, its dignity may be lost. But as the legislative proceedings of the United States will never, I trust, be reproached for the want of temper or candor; so shall not the public happiness languish from the want of my strenuous and warmest coöperations.

THE INAUGURATION OF WASHINGTON.

"The inauguration took place on the 30th of April. At nine o'clock in the morning, there were religious services in all the churches, and prayers put up for the blessing of heaven on the new government. At twelve o'clock the city troops paraded before Washington's door, and soon after the committees of Congress and heads of departments came in their carriages. At half past twelve the procession moved forward preceded by the troops; next came the committees and heads of departments in their carriages; then Washington in a coach of state, his aide-de-camp, Colonel Humphreys, and his secretary, Mr. Lear, in his own carriage. The foreign ministers and a long train of citizens brought up the rear.

About two hundred yards before reaching the hall, Washington and his suite alighted from their carriages, and passed through the troops, who were drawn up on each side, into the hall and senate-chamber, where the Vice President, the Senate and House of Representatives were assembled. The Vice President, John Adams, recently inaugurated, advanced and conducted Washington to a chair of state at the upper end of the room. A solemn silence prevailed; when the Vice President rose, and informed him that all things were prepared for him to take the oath of office required by the constitution.

The oath was to be administered by the Chancellor of the State of New York in a balcony in front of the senate chamber, and in full view of an immense multitude occupying the street, the windows, and even roofs of the adjacent houses. The balcony formed a kind of open recess, with lofty columns supporting the roof. In the center was a table with a covering of crimson velvet, upon which lay a superbly bound Bible on a crimson velvet cushion. This was all the paraphernalia for the august scene.

All eyes were fixed upon the balcony, when, at the appointed hour, Washington made his appearance, accompanied by various public functionaries, and members of the Senate and House of Representatives. He was clad in a full suit of dark-brown cloth, of American manufacture, with a steel-hilted dress sword, white silk stockings, and silver shoe buckles. His hair was dressed and powdered in the fashion of the day, and worn in a bag and solitaire.

His entrance on the balcony was hailed by universal

shouts. He was evidently moved by this demonstration of public affection. Advancing to the front of the balcony he laid his hand upon his heart, bowed several times, and then retreated to an arm-chair near the table. The populace appeared to understand that the scene had overcome him; and were hushed at once into profound silence.

After a few moments Washington rose and again came forward. John Adams, the Vice President, stood on his right; on his left the Chancellor of the State, Robert R. Livingston; somewhat in the rear were Roger Sherman, Alexander Hamilton, Generals Knox, St. Clair, the Baron Steuben and others.

The chancellor advanced to administer the oath prescribed by the constitution, and Mr. Otis, the secretary of the Senate, held up the Bible on its crimson cushion. The oath was read slowly and distinctly; Washington at the same time laying his hand on the open Bible. When it was concluded, he replied solemnly, 'I swear—so help me God!' Mr. Otis would have raised the Bible to his lips, but he bowed down reverently and kissed it.

The chancellor now stepped forward, waved his hand and exclaimed, 'Long live George Washington, President of the United States!' At this moment a flag was displayed on the cupola of the hall; on which signal there was a general discharge of artillery on the battery. All the bells in the city rang out a joyful peal, and the multitude rent the air with acclamations.

Washington again bowed to the people and returned into the senate chamber, where he delivered, to both Houses of Congress, his inaugural address, characterized by his usual modesty, moderation and good sense, but uttered with a voice deep, slightly tremulous, and so low as to demand close attention in the listeners. After this he proceeded with the whole assemblage on foot to St. Paul's church, where prayers suited to the occasion were read by Dr. Prevost, Bishop of the Protestant Episcopal Church in New York, who had been appointed by the Senate one of the chaplains of Congress. So closed the ceremonies of the inauguration." — *Irving's Life of Washington*.

"Every one without exception appeared penetrated with veneration for the illustrious chief of the republic. The humblest was proud of the virtues of the man who was to govern him. Tears of joy were seen to flow in the hall of the senate,

at church, and even in the streets, and no sovereign ever reigned more completely in the hearts of his subjects than Washington in the hearts of his fellow-citizens. Nature, which had given him the talent to govern, distinguished him from all others by his appearance. He had at once the soul, the look and the figure of a hero. He never appeared embarrassed at homage rendered him, and in his manners he had the advantage of joining dignity to great simplicity." — *From the report of Moustier, the French minister, to his government, on the inauguration of Washington.*

Washington took the oath of office for his second term, on the 4th of March, 1793. The address which is here printed as his second inaugural is the address delivered upon the assembling of Congress in December following. In the time of Washington's administration, it was customary for the President, at the opening of each session of Congress, to meet the two houses in person and deliver a written speech. Each house returned an answer to this speech some days afterwards, by a committee, who waited on him for the purpose, and he at the same time made a brief reply. All of Washington's speeches to Congress, and all his replies to the answers of the two houses, are given in vol. xii of Sparks's edition of the Writings of Washington.



Old South Leaflets.

No. 11.

Lincoln's Inaugurals,

THE EMANCIPATION PROCLAMATION, ETC.

FIRST INAUGURAL ADDRESS.

March 4, 1861.

FELLOW-CITIZENS OF THE UNITED STATES :

In compliance with a custom as old as the government itself, I appear before you to address you briefly, and to take, in your presence, the oath prescribed by the Constitution of the United States to be taken by the President before he enters on the execution of his office.

I do not consider it necessary, at present, for me to discuss those matters of administration about which there is no special anxiety or excitement. Apprehension seems to exist among the people of the southern states, that, by the accession of a republican administration, their property and their peace and personal security are to be endangered. There has never been any reasonable cause for such apprehension. Indeed, the most ample evidence to the contrary has all the while existed and been open to their inspection. It is found in nearly all the published speeches of him who now addresses you. I do but quote from one of those speeches, when I declare that "I have no purpose, directly or indirectly, to interfere with the institution of slavery in the states where it exists." I believe I have no lawful right to do so; and I have no inclination to do so. Those who nominated and elected me did so with the full knowledge that I had made this, and made many similar declarations, and had never recanted them. And, more than this, they placed in the platform, for my acceptance, and as a law to themselves and to me, the clear and emphatic resolution which I now read :

"Resolved, That the maintenance inviolate of the rights of the states, and especially the right of each state to order and control its own domestic institutions according to its own judgment

exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depend; and we denounce the lawless invasion by armed force of the soil of any state or territory, no matter under what pretext, as among the gravest of crimes."

I now reiterate these sentiments; and in doing so I only press upon the public attention the most conclusive evidence of which the case is susceptible, that the property, peace, and security of no section are to be in anywise endangered by the now incoming administration.

I add, too, that all the protection which, consistently with the Constitution and the laws, can be given, will be cheerfully given to all the states when lawfully demanded, for whatever cause, as cheerfully to one section as to another.

There is much controversy about the delivering up of fugitives from service or labor. The clause I now read is as plainly written in the Constitution as any other of its provisions:

"No person held to service or labor in one state under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

It is scarcely questioned that this provision was intended by those who made it for the reclaiming of what we call fugitive slaves; and the intention of the law-giver is the law.

All members of Congress swear their support to the whole Constitution—to this provision as well as any other. To the proposition, then, that slaves whose cases come within the terms of this clause "shall be delivered up," their oaths are unanimous. Now, if they would make the effort in good temper, could they not, with nearly equal unanimity, frame and pass a law by means of which to keep good that unanimous oath?

There is some difference of opinion whether this clause should be enforced by national or by state authority; but surely that difference is not a very material one. If the slave is to be surrendered, it can be of but little consequence to him or to others by which authority it is done; and should any one, in any case, be content that this oath shall go unkept on a merely unsubstantial controversy as to how it shall be kept?

Again, in any law upon this subject, ought not all the safeguards of liberty known in civilized and humane jurisprudence to be introduced, so that a free man be not, in any case, surrendered as a slave? And might it not be well at the same time to provide by law for the enforcement of that clause in the

Constitution which guarantees that "the citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states?"

I take the official oath today with no mental reservations, and with no purpose to construe the Constitution or laws by any hypercritical rules; and while I do not choose now to specify particular acts of Congress as proper to be enforced, I do suggest that it will be much safer for all, both in official and private stations, to conform to and abide by all those acts which stand unrepealed, than to violate any of them, trusting to find impunity in having them held to be unconstitutional.

It is seventy-two years since the first inauguration of a President under our National Constitution. During that period, fifteen different and very distinguished citizens have in succession administered the executive branch of the Government. They have conducted it through many perils, and generally with great success. Yet, with all this scope for precedent, I now enter upon the same task, for the brief constitutional term of four years, under great and peculiar difficulties.

A disruption of the Federal Union, heretofore only menaced, is now formidably attempted. I hold that in the contemplation of universal law and of the Constitution, the union of these states is perpetual. Perpetuity is implied, if not expressed, in the fundamental law of all national governments. It is safe to assert that no government proper ever had a provision in its organic law for its own termination. Continue to execute all the express provisions of our National Constitution, and the Union will endure forever, it being impossible to destroy it except by some action not provided for in the instrument itself.

Again, if the United States be not a government proper, but an association of states in the nature of a contract merely, can it, as a contract, be peaceably unmade by less than all the parties who made it? One party to a contract may violate it—break it, so to speak; but does it not require all to lawfully rescind it? Descending from these general principles, we find the proposition that in legal contemplation the Union is perpetual, confirmed by the history of the Union itself.

The Union is much older than the Constitution. It was formed, in fact, by the Articles of Association in 1774. It was matured and continued in the Declaration of Independence in 1776. It was further matured, and the faith of all the then thirteen states expressly plighted and engaged that it should be perpetual, by the Articles of the Confederation, in 1778; and finally, in 1787, one of the declared objects for ordaining

and establishing the Constitution was to form a more perfect Union. But if the destruction of the Union by one or by a part only of the states be lawfully possible, the Union is less perfect than before, the Constitution having lost the vital element of perpetuity.

It follows from these views that no state, upon its own mere motion, can lawfully get out of the Union; that resolves and ordinances to that effect are legally void; and that acts of violence within any state or states against the authority of the United States are insurrectionary or revolutionary, according to circumstances.

I therefore consider that, in view of the Constitution and the laws, the Union is unbroken, and, to the extent of my ability, I shall take care, as the Constitution itself expressly enjoins upon me, that the laws of the Union shall be faithfully executed in all the states. Doing this, which I deem to be only a simple duty on my part, I shall perfectly perform it, so far as is practicable, unless my rightful masters, the American people, shall withhold the requisition, or in some authoritative manner direct the contrary.

I trust this will not be regarded as a menace, but only as the declared purpose of the Union that it will constitutionally defend and maintain itself.

In doing this there need be no bloodshed or violence, and there shall be none unless it is forced upon the national authority.

The power confided to me *will be used to hold, occupy, and possess the property and places belonging to the Government*, and collect the duties and imposts; but beyond what may be necessary for these objects there will be no invasion, no using of force against or among the people anywhere.

Where hostility to the United States shall be so great and so universal as to prevent competent resident citizens from holding federal offices, there will be no attempt to force obnoxious strangers among the people that object. While strict legal right may exist of the Government to enforce the exercise of these offices, the attempt to do so would be so irritating, and so nearly impracticable withal, that I deem it best to forego, for the time, the uses of such offices.

The mails, unless repelled, will continue to be furnished in all parts of the Union.

So far as possible, the people everywhere shall have that sense of perfect security which is most favorable to calm thought and reflection.

The course here indicated will be followed, unless current events and experience shall show a modification or change to be proper; and in every case and exigency my best discretion will be exercised according to the circumstances actually existing, and with a view and hope of a peaceful solution of the national troubles, and the restoration of fraternal sympathies and affections.

That there are persons, in one section or another, who seek to destroy the Union at all events, and are glad of any pretext to do it, I will neither affirm nor deny. But if there be such, I need address no word to them.

To those, however, who really love the Union, may I not speak, before entering upon so grave a matter as the destruction of our national fabric, with all its benefits, its memories, and its hopes? Would it not be well to ascertain why we do it? Will you hazard so desperate a step, while any portion of the ills you fly from have no real existence? Will you, while the certain ills you fly to are greater than all the real ones you fly from? Will you risk the commission of so fearful a mistake? All profess to be content in the Union if all constitutional rights can be maintained. Is it true, then, that any right, plainly written in the Constitution, has been denied? I think not. Happily the human mind is so constituted that no party can reach to the audacity of doing this.

Think, if you can, of a single instance in which a plainly-written provision of the Constitution has ever been denied. If, by the mere force of numbers, a majority should deprive a minority of any clearly-written constitutional right, it might, in a moral point of view, justify revolution; it certainly would if such right were a vital one. But such is not our case.

All the vital rights of minorities and of individuals are so plainly assured to them by affirmations and negations, guarantees and prohibitions in the Constitution, that controversies never arise concerning them. But no organic law can ever be framed with a provision specifically applicable to every question which may occur in practical administration. No foresight can anticipate, nor any document of reasonable length contain, express provisions for all possible questions. Shall fugitives from labor be surrendered by national or by state authorities? The Constitution does not expressly say. Must Congress protect slavery in the Territories? The Constitution does not expressly say. From questions of this class spring all our constitutional controversies, and we divide upon them into majorities and minorities.

If the minority will not acquiesce, the majority must, or the Government must cease. There is no alternative for continuing the Government but acquiescence on the one side or the other. If a minority in such a case will secede rather than acquiesce, they make a precedent which, in turn, will ruin and divide them, for a minority of their own will secede from them whenever a majority refuses to be controlled by such a minority. For instance, why not any portion of a new Confederacy, a year or two hence, arbitrarily secede again, precisely as portions of the present Union now claim to secede from it? All who cherish disunion sentiments are now being educated to the exact temper of doing this. Is there such perfect identity of interests among the states to compose a new Union as to produce harmony only, and prevent renewed secession? Plainly, the central idea of secession is the essence of anarchy.

A majority held in restraint by constitutional check and limitation, and always changing easily with deliberate changes of popular opinions and sentiments, is the only true sovereign of a free people. Whoever rejects it, does, of necessity, fly to anarchy or to despotism. Unanimity is impossible; the rule of a minority, as a permanent arrangement, is wholly inadmissible. So that, rejecting the majority principle, anarchy or despotism, in some form, is all that is left.

I do not forget the position assumed by some that constitutional questions are to be decided by the Supreme Court, nor do I deny that such decisions must be binding in any case upon the parties to a suit, as to the object of that suit, while they are also entitled to a very high respect and consideration in all parallel cases by all other departments of the Government; and while it is obviously possible that such decision may be erroneous in any given case, still the evil effect following it, being limited to that particular case, with the chance that it may be overruled and never become a precedent for other cases, can better be borne than could the evils of a different practice.

At the same time the candid citizen must confess that if the policy of the Government upon the vital question affecting the whole people is to be irrevocably fixed by the decisions of the Supreme Court, the instant they are made, as in ordinary litigation between parties in personal actions, the people will have ceased to be their own masters, unless having to that extent practically resigned their Government into the hands of that eminent tribunal.

Nor is there in this view any assault upon the Court or the Judges. It is a duty from which they may not shrink, to

decide cases properly brought before them; and it is no fault of theirs if others seek to turn their decisions to political purposes. One section of our country believes slavery is right and ought to be extended, while the other believes it is wrong and ought not to be extended; and this is the only substantial dispute; and the fugitive slave clause of the Constitution, and the law for the suppression of the foreign slave-trade, are each as well enforced, perhaps, as any law can ever be in a community where the moral sense of the people imperfectly supports the law itself. The great body of the people abide by the dry legal obligation in both cases, and a few break over in each. This, I think, cannot be perfectly cured, and it would be worse in both cases after the separation of the sections than before. The foreign slave-trade, now imperfectly suppressed, would be ultimately revived, without restriction, in one section; while fugitive slaves, now only partially surrendered, would not be surrendered at all by the other.

Physically speaking, we cannot separate; we cannot remove our respective sections from each other, nor build an impassable wall between them. A husband and wife may be divorced, and go out of the presence and beyond the reach of each other, but the different parts of our country cannot do this. They cannot but remain face to face; and intercourse, either amicable or hostile, must continue between them. Is it possible, then, to make that intercourse more advantageous or more satisfactory after separation than before? Can aliens make treaties easier than friends can make laws? Can treaties be more faithfully enforced between aliens than laws can among friends? Suppose you go to war, you cannot fight always; and when, after much loss on both sides and no gain on either, you cease fighting, the identical questions as to terms of intercourse are again upon you.

This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their constitutional right of amending, or their revolutionary right to dismember or overthrow it. I cannot be ignorant of the fact that many worthy and patriotic citizens are desirous of having the National Constitution amended. While I make no recommendation of amendment, I fully recognize the full authority of the people over the whole subject, to be exercised in either of the modes prescribed in the instrument itself, and I should, under existing circumstances, favor, rather than oppose, a fair opportunity being afforded the people to act upon it.

I will venture to add that to me the convention mode seems preferable, in that it allows amendments to originate with the people themselves, instead of only permitting them to take or reject propositions originated by others not especially chosen for the purpose, and which might not be precisely such as they would wish either to accept or refuse. I understand that a proposed amendment to the Constitution (which amendment, however, I have not seen) has passed Congress, to the effect that the Federal Government shall never interfere with the domestic institutions of states, including that of persons held to service. To avoid misconstruction of what I have said, I depart from my purpose not to speak of particular amendments, so far as to say that, holding such a provision to now be implied constitutional law, I have no objection to its being made express and irrevocable.

The Chief Magistrate derives all his authority from the people, and they have conferred none upon him to fix the terms for the separation of the states. The people themselves, also, can do this if they choose, but the Executive, as such, has nothing to do with it. His duty is to administer the present government as it came to his hands, and to transmit it unimpaired by him to his successor. Why should there not be a patient confidence in the ultimate justice of the people? Is there any better or equal hope in the world? In our present differences is either party without faith of being in the right? If the Almighty Ruler of nations, with his eternal truth and justice, be on your side of the North, or on yours of the South, that truth and that justice will surely prevail by the judgment of this great tribunal, the American people. By the frame of the Government under which we live, this same people have wisely given their public servants but little power for mischief, and have with equal wisdom provided for the return of that little to their own hands at very short intervals. While the people retain their virtue and vigilance, no administration, by any extreme wickedness or folly, can very seriously injure the Government in the short space of four years.

My countrymen, one and all, think calmly and well upon this whole subject. Nothing valuable can be lost by taking time.

If there be an object to hurry any of you, in hot haste, to a step which you would never take deliberately, that object will be frustrated by taking time; but no good object can be frustrated by it.

Such of you as are now dissatisfied still have the old Con-

stitution unimpaired, and on the sensitive point, the laws of your own framing under it; while the new administration will have no immediate power, if it would, to change either.

If it were admitted that you who are dissatisfied hold the right side in the dispute, there is still no single reason for precipitate action. Intelligence, patriotism, Christianity, and a firm reliance on Him who has never yet forsaken this favored land, are still competent to adjust, in the best way, all our present difficulties.

In your hands, my dissatisfied fellow-countrymen, and not in mine, is the momentous issue of civil war. The Government will not assail you.

You can have no conflict without being yourselves the aggressors. You have no oath registered in heaven to destroy the Government, while I shall have the most solemn one to "preserve, protect, and defend" it.

I am loth to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break, our bonds of affection.

The mystic cords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature.

SECOND INAUGURAL ADDRESS.

March 4, 1865.

FELLOW-COUNTRYMEN: At this second appearing to take the oath of the Presidential office, there is less occasion for an extended address than there was at the first. Then a statement somewhat in detail of a course to be pursued seemed very fitting and proper. Now, at the expiration of four years, during which public declarations have been constantly called forth on every point and phase of the great contest which still absorbs the attention and engrosses the energies of the nation, little that is new could be presented.

The progress of our arms, upon which all else chiefly depends, is as well known to the public as to myself; and it is, I trust, reasonably satisfactory and encouraging to all. With high hope for the future, no prediction in regard to it is ventured.

On the occasion corresponding to this, four years ago, all

thoughts were anxiously directed to an impending civil war. All dreaded it; all sought to avoid it. While the inaugural address was being delivered from this place, devoted altogether to saving the Union without war, insurgent agents were in the city seeking to destroy it without war—seeking to dissolve the Union and divide the effects by negotiation. Both parties deprecated war; but one of them would make war rather than let the nation survive, and the other would accept war rather than let it perish; and the war came.

One eighth of the whole population were colored slaves, not distributed generally over the Union, but localized in the southern part of it. These slaves constituted a peculiar and powerful interest. All knew that this interest was somehow the cause of the war. To strengthen, perpetuate, and extend this interest, was the object for which the insurgents would rend the Union even by war, while the government claimed no right to do more than to restrict the territorial enlargement of it.

Neither party expected for the war the magnitude or the duration which it has already attained. Neither anticipated that the cause of the conflict might cease with, or even before, the conflict itself should cease. Each looked for an easier triumph, and a result less fundamental and astounding.

Both read the same Bible and pray to the same God, and each invokes his aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces; but let us judge not, that we be not judged. The prayers of both could not be answered. That of neither has been answered fully. The Almighty has his own purposes. "Woe unto the world because of offenses, for it must needs be that offenses come; but woe to that man by whom the offense cometh." If we shall suppose that American slavery is one of these offenses, which in the providence of God must needs come, but which, having continued through his appointed time, he now wills to remove, and that he gives to both North and South this terrible war as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to him? Fondly do we hope, fervently do we pray, that this mighty scourge of war may soon pass away. Yet, if God wills that it continue until all the wealth piled by the bondman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid with another drawn with the sword; as was said three thousand years

ago, so still it must be said, "The judgments of the Lord are true and righteous altogether."

With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and orphans, to do all which may achieve and cherish a just and a lasting peace among ourselves and with all nations.

PRELIMINARY PROCLAMATION OF EMANCIPATION.

September 22, 1862.

I, ABRAHAM LINCOLN, President of the United States of America, and Commander-in-Chief of the army and navy thereof, do hereby proclaim and declare that hereafter, as heretofore, the war will be prosecuted for the object of practically restoring the constitutional relation between the United States and each of the states, and the people thereof, in which states that relation is or may be suspended or disturbed.

That it is my purpose, upon the next meeting of Congress, to again recommend the adoption of a practical measure tendering pecuniary aid to the free acceptance or rejection of all slave states so called, the people whereof may not then be in rebellion against the United States, and which states may then have voluntarily adopted, or thereafter may voluntarily adopt, immediate or gradual abolishment of slavery within their respective limits; and that the effort to colonize persons of African descent, with their consent, upon this continent or elsewhere, with the previously obtained consent of the governments existing there, will be continued.

That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any state, or designated part of a state, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free; and the Executive Government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.

That the Executive will, on the first day of January aforesaid, by proclamation, designate the states and parts of states,

if any, in which the people thereof respectively shall then be in rebellion against the United States; and the fact that any state, or the people thereof, shall on that day be in good faith represented in the Congress of the United States, by members chosen thereto at elections wherein a majority of the qualified voters of such state shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such state, and the people thereof, are not then in rebellion against the United States.

That attention is hereby called to an act of Congress entitled "An Act to make an additional Article of War," approved March 13th, 1862, and which act is in the words and figures following:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter the following shall be promulgated as an additional article of war for the government of the army of the United States, and shall be obeyed and observed as such:

"ARTICLE —. All officers or persons in the military or naval service of the United States are prohibited from employing any of the forces under their respective commands for the purpose of returning fugitives from service or labor who may have escaped from any persons to whom such service or labor is claimed to be due; and any officer who shall be found guilty by a court-martial of violating this article shall be dismissed from the service."

"SECTION 2. *And be it further enacted,* That this act shall take effect from and after its passage."

Also, to the ninth and tenth sections of an act entitled "An Act to suppress Insurrection, to punish Treason and Rebellion, to seize and confiscate Property of Rebels, and for other purposes," approved July 16, 1862, and which sections are in the words and figures following:

"SEC. 9. *And be it further enacted,* That all slaves of persons who shall hereafter be engaged in rebellion against the government of the United States, or who shall in any way give aid or comfort thereto, escaping from such persons and taking refuge within the lines of the army; and all slaves captured from such persons, or deserted by them, and coming under the control of the government of the United States; and all slaves of such persons found *on* [or] being within any place occupied by rebel forces and afterwards occupied by forces of the United States, shall be deemed captives of war, and shall be forever free of their servitude, and not again held as slaves.

"SEC. 10. *And be it further enacted*, That no slave escaping into any state, territory, or the District of Columbia, from any other state, shall be delivered up, or in any way impeded or hindered of his liberty, except for crime or some offense against the laws, unless the person claiming said fugitive shall first make oath that the person to whom the labor or service of such fugitive is alleged to be due is his lawful owner, and has not borne arms against the United States in the present rebellion, nor in any way given aid and comfort thereto; and no person engaged in the military or naval service of the United States shall, under any pretense whatever, assume to decide on the validity of the claim of any person to the service or labor of any other person, or surrender up any such person to the claimant, on pain of being dismissed from the service."

And I do hereby enjoin upon and order all persons engaged in the military and naval service of the United States to observe, obey, and enforce, within their respective spheres of service, the act and sections above recited.

And the Executive will in due time recommend that all citizens of the United States who shall have remained loyal thereto throughout the rebellion shall (upon the restoration of the constitutional relation between the United States and their respective states and people, if that relation shall have been suspended or disturbed) be compensated for all losses by acts of the United States, including the loss of slaves.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-two, and of the Independence of the United States the eighty-seventh.

ABRAHAM LINCOLN.

By the President :

WM. H. SEWARD, *Secretary of State*.

PROCLAMATION OF EMANCIPATION.

January 1, 1863.

Whereas, on the twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-two, a proclamation was issued by the President of the United States, containing, among other things, the following, to wit :

"That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any state or designated part of a state, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free; and the Executive Government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons or any of them, in any efforts they may make for their actual freedom.

"That the Executive will, on the first day of January aforesaid, by proclamation, designate the states and parts of states, if any, in which the people thereof respectively shall then be in rebellion against the United States; and the fact that any state, or the people thereof, shall on that day be in good faith represented in the Congress of the United States, by members chosen thereto at elections wherein a majority of the qualified voters of such state shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such state, and the people thereof, are not then in rebellion against the United States."

Now, therefore, I, ABRAHAM LINCOLN, President of the United States, by virtue of the power in me vested as Commander-in-Chief of the army and navy of the United States in time of actual armed rebellion against the authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and in accordance with my purpose so to do, publicly proclaimed for the full period of one hundred days from the day first above mentioned, order and designate, as the states and parts of states wherein the people thereof respectively are this day in rebellion against the United States, the following, to wit:

Arkansas, Texas, Louisiana (except the parishes of St. Bernard, Plaquemine, Jefferson, St. John, St. Charles, St. James, Ascension, Assumption, Terre Bonne, Lafourche, St. Marie, St. Martin, and Orleans, including the city of New Orleans), Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia (except the forty-eight counties designated as West Virginia, and also the counties of Berkely, Accomac, Northampton, Elizabeth City, York, Princess Anne, and Norfolk, including the cities of Norfolk and Portsmouth), and which excepted parts are for the present left precisely as if this proclamation were not issued.

And, by virtue of the power and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated states and parts of states are and henceforth shall be free; and that the Executive Government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free, to abstain from all violence, unless in necessary self-defense; and I recommend to them that in all cases, when allowed, they labor faithfully for reasonable wages.

And I further declare and make known that such persons of suitable condition will be received into the armed service of the United States, to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice, warranted by the Constitution, upon military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God.

In testimony whereof, I have hereunto set my name, and caused the seal of the United States to be affixed.

Done at the city of Washington, this first day of January, in the year of our Lord one thousand eight hundred and sixty-[L. s.] three, and of the Independence of the United States the eighty-seventh.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State*.

SPEECH AT THE DEDICATION OF THE NATIONAL CEMETERY AT GETTYSBURG.

November 15, 1863.

Fourscore and seven years ago our fathers brought forth upon this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field as a final resting-place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this. But in a larger sense we cannot dedicate, we cannot consecrate, we

cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it far above our power to add or detract. The world will little note, nor long remember, what we say here; but it can never forget what they did here. It is for us, the living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us, that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom, and that government of the people, by the people, and for the people, shall not perish from the earth.

There are many lives of Lincoln—by Holland, Raymond, Arnold, Lamon, Ludlow, Leland and others. Much more important than all of these, however, is the exhaustive work by Nicolay and Hay, now being published in the *Century Magazine*. See also *Lincoln and Seward*, by Gideon Welles, *Six Months at the White House with Abraham Lincoln*, by F. B. Carpenter, *Reminiscences of Abraham Lincoln by Distinguished Men of His Time*, edited by Allen Thorndike Rice, Lowell's essay on Lincoln, and the addresses by Emerson, Sumner, Bancroft, Boutwell, Garfield and others.



Old South Tracts.

No. 12.

The Federalist.

Nos. 1 and 2.

For the Independent Journal.

THE FEDERALIST. No. I.

TO THE PEOPLE OF THE STATE OF NEW YORK:

After an unequivocal experience of the inefficacy of the subsisting Fœderal Government, you are called upon to deliberate on a new Constitution for the United States of America. The subject speaks its own importance; comprehending in its consequences, nothing less than the existence of the UNION, the safety and welfare of the parts of which it is composed, the fate of an empire, in many respects, the most interesting in the world. It has been frequently remarked, that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not, of establishing good government from reflection and choice, or whether they are forever destined to depend, for their political constitutions, on accident and force. If there be any truth in the remark, the crisis, at which we are arrived, may with propriety be regarded as the æra in which that decision is to be made; and a wrong election of the part we shall act, may, in this view, deserve to be considered as the general misfortune of mankind.

This idea will add the inducements of philanthropy to those of patriotism to heighten the solicitude, which all considerate and good men must feel for the event. Happy will it be if our choice should be directed by a judicious estimate of our true interests, unperplexed and unbiased by considerations not connected with the public good. But this is a thing more ardently to be wished, than seriously to be expected. The plan offered to our deliberations, affects too many particular interests, innovates upon too many local institutions, not to involve in its discussion a variety of objects foreign to its merits, and of views, passions and prejudices little favorable to the discovery of truth.

Among the most formidable of the obstacles which the new Constitution will have to encounter, may readily be distinguished the obvious interest of a certain class of men in every State to resist all changes which may hazard a diminution of the power, emolument and consequence of the offices they hold under the State-establishments—and the perverted ambition of another class of men, who will either hope to aggrandize themselves by the confusions of their country, or will flatter themselves with fairer prospects of elevation from the subdivision of the empire into several partial confederacies, than from its union under one Government.

It is not, however, my design to dwell upon observations of this nature. I am well aware that it would be disingenuous to resolve indiscriminately the opposition of any set of men (merely because their situations might subject them to suspicion) into interested or ambitious views: Candor will oblige us to admit, that even such men may be actuated by upright intentions; and it cannot be doubted, that much of the opposition which has made its appearance, or may hereafter make its appearance, will spring from sources, blameless at least, if not respectable; the honest errors of minds led astray by preconceived jealousies and fears. So numerous indeed and so powerful are the causes, which serve to give a false bias to the judgment, that we, upon many occasions, see wise and good men on the wrong as well as on the right side of questions, of the first magnitude to society. This circumstance, if duly attended to, would furnish a lesson of moderation to those, who are ever so much persuaded of their being in the right, in any controversy. And a further reason for caution, in this respect, might be drawn from the reflection, that we are not always sure, that those who advocate the truth are influenced by purer principles than their antagonists. Ambition, avarice, personal animosity, party opposition, and many other motives, not more laudable than these, are apt to operate as well upon those who support, as upon those who oppose, the right side of a question. Were there not even these inducements to moderation, nothing could be more ill-judged than that intolerant spirit, which has, at all times, characterized political parties. For, in politics as in religion, it is equally absurd to aim at making proselytes by fire and sword. Heresies in either can rarely be cured by persecution.

And yet however just these sentiments will be allowed to be, we have already sufficient indications, that it will happen in this as in all former cases of great national discussion. A torrent of angry and malignant passions will be let loose. To

judge from the conduct of the opposite parties, we shall be led to conclude, that they will mutually hope to evince the justness of their opinions, and to increase the number of their converts by the loudness of their declamations, and the bitterness of their invectives. An enlightened zeal for the energy and efficiency of government will be stigmatized, as the offspring of a temper fond of despotic power, and hostile to the principles of liberty. An over scrupulous jealousy of danger to the rights of the people, which is more commonly the fault of the head than of the heart, will be represented as mere pretence and artifice; the stale bait for popularity at the expense of public good. It will be forgotten, on the one hand, that jealousy is the usual concomitant of violent love, and that the noble enthusiasm of liberty is too apt to be infected with a spirit of narrow and illiberal distrust. On the other hand, it will be equally forgotten, that the vigor of Government is essential to the security of liberty; that, in the contemplation of a sound and well-informed judgment, their interest can never be separated; and that a dangerous ambition more often lurks behind the specious mask of zeal for the rights of the people, than under the forbidding appearance of zeal for the firmness and efficiency of Government. History will teach us, that the former has been found a much more certain road to the introduction of despotism, than the latter; and that of those men who have overturned the liberties of republics the greatest number have begun their career, by paying an obsequious court to the people; commencing Demagogues, and ending Tyrants.

In the course of the preceding observations I have had an eye, my Fellow-Citizens, to putting you upon your guard against all attempts, from whatever quarter, to influence your decision in a matter of the utmost moment to your welfare by any impressions other than those which may result from the evidence of truth. You will, no doubt, at the same time, have collected from the general scope of them that they proceed from a source not unfriendly to the new Constitution. Yes, my Countrymen, I owe to you, that, after having given it an attentive consideration, I am clearly of opinion, it is your interest to adopt it. I am convinced, that this is the safest course for your liberty, your dignity, and your happiness. I affect not reserves, which I do not feel. I will not amuse you with an appearance of deliberation, when I have decided. I frankly acknowledge to you my convictions, and I will freely lay before you the reasons on which they are founded. The consciousness of good intentions disdains ambiguity. I shall not however multiply professions

on this head. My motives must remain in the depository of my own breast: My arguments will be open to all, and may be judged of by all. They shall at least be offered in a spirit which will not disgrace the cause of truth.

I propose, in a series of papers, to discuss the following interesting particulars.—*The utility of the UNION to your political prosperity—The insufficiency of the present Confederation to preserve that Union—The necessity of a Government at least equally energetic with the one proposed, to the attainment of this object—The conformity of the proposed Constitution to the true principles of republican Government—Its analogy to your own state constitution*—and lastly, *The additional security, which its adoption will afford to the preservation of that species of Government, to liberty, and to property.*

In the progress of this discussion I shall endeavor to give a satisfactory answer to all the objections which shall have made their appearance, that may seem to have any claim to your attention.

It may perhaps be thought superfluous to offer arguments to prove the utility of the UNION, a point, no doubt, deeply engraved on the hearts of the great body of the people in every State, and one, which it may be imagined, has no adversaries. But the fact is, that we already hear it whispered in the private circles of those who oppose the new Constitution, that the Thirteen States are of too great extent for any general system, and that we must of necessity, resort to separate confederacies of distinct portions of the whole.¹ This doctrine will, in all probability, be gradually propagated, till it has votaries enough to countenance an open avowal of it. For nothing can be more evident, to those who are able to take an enlarged view of the subject, than the alternative of an adoption of the new Constitution or a dismemberment of the Union. It will, therefore, be of use to begin by examining the advantages of that Union, the certain evils, and the probable dangers, to which every State will be exposed from its dissolution. This shall accordingly constitute the subject of my next address.

PUBLIUS.

¹ The same idea, tracing the arguments to their consequences, is held out in several of the late publications against the new Constitution.—*Publius.*

For the Independent Journal.

THE FEDERALIST. No. II.

TO THE PEOPLE OF THE STATE OF NEW YORK:

When the people of America reflect that they are now called upon to decide a question, which, in its consequences, must prove one of the most important, that ever engaged their attention, the propriety of their taking a very comprehensive, as well as a very serious, view of it, will be evident.

Nothing is more certain than the indispensable necessity of Government, and it is equally undeniable, that whenever and however it is instituted, the people must cede to it some of their natural rights, in order to vest it with requisite powers. It is well worthy of consideration, therefore, whether it would conduce more to the interest of the people of America, that they should, to all general purposes, be one nation, under one Federal Government, or that they should divide themselves into separate confederacies, and give to the head of each, the same kind of powers which they are advised to place in one national Government.

It has until lately been a received and uncontradicted opinion, that the prosperity of the people of America depended on their continuing firmly united, and the wishes, prayers, and efforts of our best and wisest Citizens have been constantly directed to that object. But Politicians now appear, who insist that this opinion is erroneous, and that instead of looking for safety and happiness in union, we ought to seek it in a division of the States into distinct confederacies or sovereignties. However extraordinary this new doctrine may appear, it nevertheless has its advocates; and certain characters who were much opposed to it formerly, are at present of the number. Whatever may be the arguments or inducements which have wrought this change in the sentiments and declarations of these Gentlemen, it certainly would not be wise in the people at large to adopt these new political tenets without being fully convinced that they are founded in truth and sound Policy.

It has often given me pleasure to observe, that Independent America was not composed of detached and distant territories, but that one connected, fertile, wide-spreading country was the portion of our western sons of liberty. Providence has in a particular manner blessed it with a variety of soils and productions, and watered it with innumerable streams, for the delight and accommodation of its inhabitants. A succession of navigable waters forms a kind of chain round its borders, as if to bind it together; while the most noble rivers in the world, running at convenient distances, present them with highways for the easy

communication of friendly aids, and the mutual transportation and exchange of their various commodities.

With equal pleasure I have as often taken notice, that Providence has been pleased to give this one connected country, to one united people; a people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs, and who, by their joint counsels, arms and efforts, fighting side by side throughout a long and bloody war, have nobly established their general Liberty and Independence.

This country and this people seem to have been made for each other, and it appears as if it was the design of Providence, that an inheritance so proper and convenient for a band of brethren, united to each other by the strongest ties, should never be split into a number of unsocial, jealous, and alien sovereignties.

Similar sentiments have hitherto prevailed among all orders and denominations of men among us. To all general purposes we have uniformly been one people; each individual citizen everywhere enjoying the same national rights, privileges, and protection. As a nation we have made peace and war: as a nation we have vanquished our common enemies: as a nation we have formed alliances and made treaties, and entered into various compacts and conventions with foreign States.

A strong sense of the value and blessings of Union induced the people, at a very early period, to institute a Fœderal Government to preserve and perpetuate it. They formed it almost as soon as they had a political existence; nay, at a time, when their habitations were in flames, when many of their Citizens were bleeding, and when the progress of hostility and desolation left little room for those calm and mature inquiries and reflections, which must ever precede the formation of a wise and well-balanced government for a free people. It is not to be wondered at, that a Government instituted in times so inauspicious, should on experiment be found greatly deficient and inadequate to the purpose it was intended to answer.

This intelligent people perceived and regretted these defects. Still continuing no less attached to Union, than enamored of Liberty, they observed the danger, which immediately threatened the former and more remotely the latter; and being persuaded that ample security for both, could only be found in a national Government more wisely framed, they, as with one voice, convened the late Convention at Philadelphia, to take that important subject under consideration.

This Convention, composed of men who possessed the confidence of the people, and many of whom had become highly distinguished by their patriotism, virtue, and wisdom, in times which tried the minds and hearts of men, undertook the arduous task. In the mild season of peace, with minds unoccupied by other subjects, they passed many months in cool, uninterrupted, and daily consultations; and finally, without having been awed by power, or influenced by any passions except love for their Country, they presented and recommended to the people the plan produced by their joint and very unanimous councils.

Admit, for so is the fact, that this plan is only *recommended*, not imposed, yet let it be remembered, that it is neither recommended to *blind* approbation, nor to *blind* reprobation; but to that sedate and candid consideration, which the magnitude and importance of the subject demand, and which it certainly ought to receive. But this, (as was remarked in the foregoing number of this Paper,) is more to be wished than expected, that it may be so considered and examined. Experience on a former occasion teaches us not to be too sanguine in such hopes. It is not yet forgotten, that well grounded apprehensions of imminent danger induced the people of America to form the Memorable Congress of 1774. That Body recommended certain measures to their Constituents, and the event proved their wisdom; yet it is fresh in our memories how soon the Press began to teem with Pamphlets and weekly Papers against those very measures. Not only many of the Officers of Government, who obeyed the dictates of personal interest, but others, from a mistaken estimate of consequences, or the undue influence of former attachments, or whose ambition aimed at objects which did not correspond with the public good, were indefatigable in their endeavors to persuade the people to reject the advice of that Patriotic Congress. Many indeed were deceived and deluded, but the great majority of the people reasoned and decided judiciously; and happy they are in reflecting that they did so.

They considered that the Congress was composed of many wise and experienced men. That being convened from different parts of the country, they brought with them and communicated to each other a variety of useful information. That in the course of the time they passed together in inquiring into and discussing the true interests of their country, they must have acquired very accurate knowledge on that head. That they were individually interested in the public liberty and prosperity, and therefore that it was not less their inclination than their duty, to recommend only such measures as after the most mature deliberation they really thought prudent and advisable.

These and similar considerations then induced the people to rely greatly on the judgment and integrity of the Congress; and they took their advice, notwithstanding the various arts and endeavors used to deter and dissuade them from it. But if the people at large had reason to confide in the men of that Congress, few of whom had then been fully tried or generally known, still greater reason have they now to respect the judgment and advice of the Convention, for it is well known that some of the most distinguished members of that Congress, who have been since tried and justly approved for patriotism and abilities, and who have grown old in acquiring political information, were also members of this Convention, and carried into it their accumulated knowledge and experience.

It is worthy of remark, that not only the first, but every succeeding Congress, as well as the late Convention, have invariably joined with the people in thinking that the prosperity of America depended on its Union. To preserve and perpetuate it, was the great object of the people in forming that Convention, and it is also the great object of the plan which the Convention has advised them to adopt. With what propriety, therefore, or for what good purposes, are attempts at this particular period, made by some men, to depreciate the importance of the Union? Or why is it suggested that three or four confederacies would be better than one? I am persuaded in my own mind, that the people have always thought right on this subject, and that their universal and uniform attachment to the cause of the Union rests on great and weighty reasons, which I shall endeavor to develop and explain in some ensuing papers. They who promote the idea of substituting a number of distinct confederacies in the room of the plan of the Convention, seem clearly to foresee that the rejection of it would put the continuance of the Union in the utmost jeopardy: that certainly would be the case, and I sincerely wish that it may be as clearly foreseen by every good Citizen, that whenever the dissolution of the Union arrives, America will have reason to exclaim in the words of the Poet, "FAREWELL! A LONG FAREWELL, TO ALL MY GREATNESS."

PUBLIUS.

The papers called *The Federalist* were published in 1787 and 1788 in the columns of *The Independent Journal* and other New York newspapers. They were written to explain the new Constitution, then awaiting ratification, and to defend it from objections urged against it. "They form a work of enduring interest," says Bancroft, "because they are the earliest commentary on the new experiment of mankind in establishing a republican government for a country of boundless dimensions, and were written by Madison, who was the chief author of the Constitution, and Hamilton, who took part in its inception and progress." The original conception of the *Federalist*

was Hamilton's, and by far the greater portion of the work is his. As Madison was the great constructive man in the convention, Hamilton was the great defender of the Constitution before the people. The papers were all signed "Publius," and there has been much controversy as to the proportionate share of Madison and Jay in the authorship. Very full and critical discussions of this question may be found in the introductions to both Dawson's and Hamilton's editions of the *Federalist*. Bancroft's conclusion is that, of the eighty-five numbers, Jay wrote five, Madison twenty-nine, and Hamilton fifty-one. Hamilton's friends claim for him a still larger proportion. A comparative exhibit of the claims to the authorship of the *Federalist*, as compiled by Dawson, is appended.

The *Federalist* probably did more than anything else at the time, save the influence of Washington alone, to secure the adoption of the new Constitution, and it still occupies the highest place as an exposition of the principles of our federal government. "It shows us with much clearness," says Sir Henry Sumner Maine, in his valuable essay on the Constitution of the United States, in his work on *Popular Government*, "either the route by which the strongest minds among the American statesmen of that period had traveled to the conclusions embodied in the Constitution, or the arguments by which they had become reconciled to them. The *Federalist* has generally excited something like enthusiasm in those who have studied it, and among these there have been some not at all given to excessive eulogy. Talleyrand strongly recommended it; and Guizot said of it that, in the application of the elementary principles of government to practical administration, it was the greatest work known to him. An early number of the *Edinburgh Review* (No. 24) described it as 'a work little known in Europe, but which exhibits a profundity of research and an acuteness of understanding which would have done honor to the most illustrious statesmen of modern times.' The American commendations of the *Federalist* are naturally even less qualified. 'I know not,' wrote Chancellor Kent, 'of any work on the principles of free government that is to be compared in instruction and in intrinsic value to this small and unpretending volume of the 'Federalist;' not even if we resort to Aristotle, Cicero, Macchiavelli, Montesquieu, Milton, Locke, or Burke. It is equally admirable in the depth of its wisdom, the comprehensiveness of its views, the sagacity of its reflections, and the freshness, patriotism, candor, simplicity and eloquence with which its truths are uttered and recommended.' Those who have attentively read these papers will not think such praise pitched, on the whole, too high." These high commendations of the *Federalist* might be indefinitely extended. Jefferson, writing to Madison from Paris in 1788, pronounced it "the best commentary on the principles of government which was ever written;" and Story, in his commentaries on the Constitution, places it in the same category, even as to authority, with the decisions of the supreme court on questions of constitutional law.

The papers constituting the *Federalist* were eighty-five in number. "I propose," wrote Hamilton in the first paper, the general introduction, "in a series of papers, to discuss the following interesting particulars.—*The utility of the Union to your [the people of the State of New York] political prosperity—The insufficiency of the present Confederation to preserve that Union—The necessity of a Government at least equally energetic with the one proposed, to the attainment of this object—The conformity of the proposed Constitution to the true principles of republican Government—Its analogy to your own State Constitution—*and lastly, *The additional security, which its adoption will afford to the preservation of that species of Government, to liberty, and to property.*" Nos. 2-14, of the *Federalist*, are devoted to the first of these general subjects; 15-22, to the second; 23-35, to the third; 36-84, to the fourth; 85, to the fifth and sixth. The very full analysis by Dawson will be of great service to the special student. Of the two numbers given in this essay, the first, the general introduction, is by Hamilton; the second, on the importance of the union of the States, is by Jay.

A COMPARATIVE EXHIBIT

OF THE

CLAIMS TO THE AUTHORSHIP OF THE FEDERALIST.

Original Numbers.	Modern Numbers.	Gen. Hamilton in his own copy ¹ and in the Benson manuscript. ²	Gen. Hamilton to Chancellor Kent. ³	Mr. Madison in his own copy ⁴ and in Mr. Rush's copy. ⁵	Mr. Ames's manuscript notes. ⁶	Chancellor Kent's manuscript notes. ⁷	Mr. Jefferson's manuscript notes. ⁸	Mr. Jáy's recollections, as far as ascertained. ⁹
No.	No.							
I.	I.	Ham.	Ham.	Ham.		Ham.	Ham.	
II.	II.	Jáy.	Jáy.	Jáy.	Jáy.	Jáy.	Jáy.	Jáy.
III.	III.	Jáy.	Jáy.	Jáy.	Jáy.	Jáy.	Jáy.	Jáy.
IV.	IV.	Jáy.	Jáy.	Jáy.	Jáy.	Jáy.	Jáy.	Jáy.
V.	V.	Jáy.	Jáy.	Jáy.	Jáy.	Jáy.	Jáy.	Jáy.
VI.	VI.	Ham.	Ham.	Ham.		Ham.	Ham.	
VII.	VII.	Ham.	Ham.	Ham.		Ham.	Ham.	
VIII.	VIII.	Ham.	Ham.	Ham.		Ham.	Ham.	
IX.	IX.	Ham.	Ham.	Ham.		Ham.	Ham.	
X.	X.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.	
XI.	XI.	Ham.	Ham.	Ham.		Ham.	Ham.	

¹ Vide letter published in *The Port Folio*, Vol. IV. No. 20, in Dawson, page xxviii.

² Vide Dawson, pages xxvi. xxvii.

³ "I am assured that Numbers 2. 3. 4. 5. & 64 were written by JOHN JÁY

"Numbers 10. 14. 37 to 49 both Inclusive & 53 by JAMES MADISON Jun —

"Numbers 18. 19. 20. by Messrs MADISON & HAMILTON jointly.

"All the rest by Mr HAMILTON

"((—Mr HAMILTON told me that Mr MADISON wrote 48 & 49 or from pa. 101 to 112 of Vol. 2d—))

[In much darker colored ink, and in a different style of the Chancellor's writing:] "NB — "I showed the above *Memr* to General HAMILTON in my office in Albany, & he said it was "correct, seeing the correction above made —" Chancellor KENT's MS. notes on the first fly-page of his copy of M'LEAN's edition of *The Federalist*, now owned by his grandson, JAMES KENT, Esq., of Fishkill Landing, N. Y.

⁴ Copied from the original MS. notes in Mr. MADISON's copy of TIEBOUT's edition of *The Federalist*, by WILLIAM Q. FORCE, for his father, General PETER FORCE, of Washington, D. C.

⁵ Vide letter of BENJAMIN RUSH, Esq., in Dawson, pages xxxix to xiv.

⁶ Copied from the original MS. notes in Mr. AMES's copy of M'LEAN's edition of *The Federalist*, now owned by his grandson-in-law, FRANCIS HOWLAND, Esq., of Englewood, N. J.

⁷ "Memr. I have no doubt Mr. JÁY wrote No. 64 on the Treaty Power — He made a "Speech on that Subject in the N Y Convention, & I am told he says he wrote it — I suspect "therefore from internal Ev. the above to be the correct List, & not the one on the opposite "Page —" Chancellor KENT's MS. notes, appended to this list, and in his copy of *The Federalist*, before referred to, inserted immediately opposite to the memorandum approved by General HAMILTON and copied into Note 3.

⁸ From the original MS. notes in Mr. JEFFERSON's copy of M'LEAN's edition of *The Federalist*, now in the Library of Congress, Washington, D. C.

⁹ From the understanding in Mr. JÁY's family, from Chancellor KENT's MS. notes, and from the biographical sketch of Mr. JÁY's life in DELAPLAINE's *Repository of the Lives and Portraits of Distinguished American Characters*.

Original Numbers.	Modern Numbers.	Gen. Hamilton in his own copy and in the Benson manuscript.	Gen. Hamilton to Chancellor Kent.	Mr. Madison in his own copy and in Mr. Rush's copy.	Mr. Ames's manuscript notes.	Chancellor Kent's manuscript notes.	Mr. Jefferson's manuscript notes.	Mr. Jáy's recollections, as far as ascertained.
No.	No.							
XII.	XII.	Ham.	Ham.	Ham.		Ham.	Ham.	
XIII.	XIII.	Ham.	Ham.	Ham.		Ham.	Ham.	
XIV.	XIV.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.	
XV.	XV.	Ham.	Ham.	Ham.		Ham.	Ham.	
XVI.	XVI.	Ham.	Ham.	Ham.		Ham.	Ham.	
XVII.	XVII.	Ham.	Ham.	Ham.		Mad.	Mad.	
XVIII.	XVIII.	H. & M.	H. & M.	Mad.	H. & M.	Mad.	Mad.	
XIX.	XIX.	H. & M.	H. & M.	Mad.	H. & M.	Mad.	Mad.	
XX.	XX.	H. & M.	H. & M.	Mad.	H. & M.	Ham.	Ham.	
XXI.	XXI.	Ham.	Ham.	Ham.		Mad.	Mad.	
XXII.	XXII.	Ham.	Ham.	Ham.		Ham.	Ham.	
XXIII.	XXIII.	Ham.	Ham.	Ham.		Ham.	Ham.	
XXIV.	XXIV.	Ham.	Ham.	Ham.		Ham.	Ham.	
XXV.	XXV.	Ham.	Ham.	Ham.		Ham.	Ham.	
XXVI.	XXVI.	Ham.	Ham.	Ham.		Ham.	Ham.	
XXVII.	XXVII.	Ham.	Ham.	Ham.		Ham.	Ham.	
XXVIII.	XXVIII.	Ham.	Ham.	Ham.		Ham.	Ham.	
XXIX.	XXX.	Ham.	Ham.	Ham.		Ham.	Ham.	
XXX.	XXXI.	Ham.	Ham.	Ham.		Ham.	Ham.	
XXXI.	XXXII.	Ham.	Ham.	Ham.		Ham.	Ham.	
XXXII.	XXXIII.	Ham.	Ham.	Ham.		Ham.	Ham.	
XXXIII.	XXXIV.	Ham.	Ham.	Ham.		Ham.	Ham.	
XXXIV.	XXXV.	Ham.	Ham.	Ham.		Ham.	Ham.	
XXXV.	XXXVI.	Ham.	Ham.	Ham.		Ham.	Ham.	
XXXVI.	XXXVII.	Mad.	Mad.	Mad.	Mad.	Ham.	Ham.	
XXXVII.	XXXVIII.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.	
XXXVIII.	XXXIX.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.	
XXXIX.	XL.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.	
XL.	XLI.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.	
XLI.	XLII.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.	
XLII.	XLIII.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.	
XLIII.	XLIV.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.	
XLIV.	XLV.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.	
XLV.	XLVI.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.	
XLVI.	XLVII.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.	
XLVII.	XLVIII.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.	
XLVIII.	XLIX.	Ham.	Mad.	Mad.		Mad.	Mad.	
XLIX.	L.	Ham.	Ham.	Mad.		Mad.	Mad.	
L.	LI.	Ham.	Ham.	Mad.		Mad.	Mad.	
LI.	LII.	Ham.	Ham.	Mad.		Mad.	Mad.	
LII.	LIII.	Ham.	Mad.	Mad.		Mad.	Mad.	
LIII.	LIV.	Jáy.	Ham.	Mad.	Jáy.	Mad.	Mad.	
LIV.	LV.	Ham.	Ham.	Mad.		Mad.	Mad.	
LV.	LVI.	Ham.	Ham.	Mad.		Mad.	Mad.	
LVI.	LVII.	Ham.	Ham.	Mad.		Mad.	Mad.	
LVII.	LVIII.	Ham.	Ham.	Mad.		Mad.	Mad.	
LVIII.	LIX.	Ham.	Ham.	Ham.		Ham.	Ham.	
LIX.	LX.	Ham.	Ham.	Ham.		Ham.	Ham.	
LX.	LXI.	Ham.	Ham.	Ham.		Ham.	Ham.	
LXI.	LXII.	Ham.	Ham.	Mad.		Mad.	Mad.	
LXII.	LXIII.	Ham.	Ham.	Mad.		Mad.	Mad.	
LXIII.	LXIV.	Ham.	Jáy.	Jáy.		Jáy.	Jáy.	Jáy.
LXIV.	LXV.	Ham.	Ham.	Ham.		Ham.	Ham.	
LXV.	LXVI.	Ham.	Ham.	Ham.		Ham.	Ham.	
LXVI.	LXVII.	Ham.	Ham.	Ham.		Ham.	Ham.	
LXVII.	LXVIII.	Ham.	Ham.	Ham.		Ham.	Ham.	
LXVIII.	LXIX.	Ham.	Ham.	Ham.		Ham.	Ham.	



The Ordinance of 1787.

AN ORDINANCE FOR THE GOVERNMENT OF THE TERRITORY OF THE
UNITED STATES NORTHWEST OF THE RIVER OHIO.

Be it ordained by the United States in Congress assembled, That the said territory, for the purposes of temporary government, be one district, subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Be it ordained by the authority aforesaid, That the estates, both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among, their children, and the descendants of a deceased child, in equal parts; the descendants of a deceased child or grandchild to take the share of their deceased parent in equal parts among them: And where there shall be no children or descendants, then in equal parts to the next of kin in equal degree; and, among collaterals, the children of a deceased brother or sister of the intestate shall have, in equal parts among them, their deceased parents' share; and there shall, in no case, be a distinction between kindred of the whole and half-blood; saving, in all cases, to the widow of the intestate her third part of the real estate for life, and one-third part of the personal estate; and this law, relative to descents and dower, shall remain in full force until altered by the legislature of the district. And, until the governor and judges shall adopt laws as hereinafter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her, in whom the estate may be (being of full age,) and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved,

and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers shall be appointed for that purpose; and personal property may be transferred by delivery; saving, however to the French and Canadian inhabitants, and other settlers of the Kaskaskias, St. Vincents, and the neighboring villages who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

Be it ordained by the authority aforesaid, That there shall be appointed, from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein in 1000 acres of land, while in the exercise of his office.

There shall be appointed, from time to time, by Congress, a secretary, whose commission shall continue in force for four years unless sooner revoked; he shall reside in the district, and have a freehold estate therein in 500 acres of land, while in the exercise of his office; it shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his Executive department; and transmit authentic copies of such acts and proceedings, every six months, to the Secretary of Congress: There shall also be appointed a court to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in 500 acres of land while in the exercise of their offices; and their commissions shall continue in force during good behavior.

The governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original States, criminal and civil, as may be necessary and best suited to the circumstances of the district, and report them to Congress from time to time: which laws shall be in force in the district until the organization of the General Assembly therein, unless disapproved of by Congress; but, afterwards, the legislature shall have authority to alter them as they shall think fit.

The governor, for the time being, shall be commander-in-chief of the militia, appoint and commission all officers in the same below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

Previous to the organization of the General Assembly, the governor shall appoint such magistrates and other civil officers,

in each county or township, as he shall find necessary for the preservation of the peace and good order in the same: After the General Assembly shall be organized, the powers and duties of the magistrates and other civil officers, shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed, from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

So soon as there shall be 5000 free male inhabitants of full age in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships to represent them in the General Assembly: *Provided*, That, for every 500 free male inhabitants, there shall be one representative, and so on progressively with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to 25; after which, the number and proportion of representatives shall be regulated by the legislature: *Provided*, That no person be eligible or qualified to act as a representative unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years; and, in either case, shall likewise hold in his own right, in fee simple, 200 acres of land within the same: *Provided, also*, That a freehold in 50 acres of land in the district, having been a citizen of one of the States, and being resident in the district, or the like freehold and two years residence in the district, shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected, shall serve for the term of two years; and, in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township for which he was a member, to elect another in his stead, to serve for the residue of the term.

The General Assembly, or Legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue

in office five years, unless sooner removed by Congress; any three of whom to be a quorum: and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together; and, when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in 500 acres of land, and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid; and, whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress; one of whom Congress shall appoint and commission for the residue of the term. And every five years, four months at least before the expiration of the time of service of the members of council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress; five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives, shall have authority to make laws in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills, having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill, or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue, and dissolve the General Assembly, when, in his opinion, it shall be expedient.

The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity and of office; the governor before the President of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house assembled in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating but not of voting during this temporary government.

And, for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory: to provide also for the establishment of States, and

permanent government therein, and for their admission to a share in the federal councils on an equal footing with the original States, at as early periods as may be consistent with the general interest :

It is hereby ordained and declared by the authority aforesaid, That the following articles shall be considered as articles of compact between the original States and the people and States in the said territory and forever remain unalterable, unless by common consent, to wit :

ART. 1st. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

ART. 2d. The inhabitants of the said territory shall always be entitled to the benefits of the writ of *habeas corpus*, and of the trial by jury ; of a proportionate representation of the people in the legislature ; and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offences, where the proof shall be evident or the presumption great. All fines shall be moderate ; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers or the law of the land ; and, should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall, in any manner whatever, interfere with or affect private contracts or engagements, *bona fide*, and without fraud, previously formed.

ART. 3d. Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians ; their lands and property shall never be taken from them without their consent ; and, in their property, rights, and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress ; but laws founded in justice and humanity, shall, from time to time, be made for preventing wrongs being done to them, and for preserving peace and friendship with them.

ART. 4th. The said territory, and the States which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the Articles of Con-

federation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the federal debts contracted or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by Congress according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes, for paying their proportion, shall be laid and levied by the authority and direction of the legislatures of the district or districts, or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide* purchasers. No tax shall be imposed on lands the property of the United States; and, in no case, shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other States that may be admitted into the Confederacy, without any tax, impost, or duty, therefor.

ART. 5th. There shall be formed in the said territory, not less than three nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, to wit: The Western State in the said territory, shall be bounded by the Mississippi, the Ohio, and Wabash rivers; a direct line drawn from the Wabash and Post St. Vincent's, due North, to the territorial line between the United States and Canada; and, by the said territorial line, to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from Post Vincent's, to the Ohio; by the Ohio, by a direct line, drawn due North from the mouth of the Great Miami, to the said territorial line, and by the said territorial line. The Eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: *Provided, however*, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that, if Congress

shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies North of an East and West line drawn through the Southernly bend or extreme of lake Michigan. And, whenever any of the said States shall have 60,000 free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government: *Provided*, the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than 60,000.

ART. 6th. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: *Provided, always*, That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

Be it ordained by the authority aforesaid, That the resolutions of the 23d of April, 1784, relative to the subject of this ordinance, be, and the same are hereby, repealed and declared null and void.

Done by the United States, in Congress assembled, the 13th day of July, in the year of our Lord 1787, and of their sovereignty and independence the twelfth.

While the Convention which framed the national Constitution was sitting in Philadelphia, the Continental Congress, then in session in New York, adopted a measure which has been justly pronounced second only in importance to the crowning act of the Convention at Philadelphia. On July 11, 1787, a committee, of which Nathan Dane of Massachusetts was chairman, reported "An Ordinance for the Government of the Territory of the United States Northwest of the Ohio"; and this ordinance, with the addition of an article forever forbidding slavery to cross the Ohio river, was adopted on July 13.

"One of the most momentous acts of the Continental Congress," says Higginson, "had been to receive from the State of Virginia the gift of a vast unsettled territory northwest of the Ohio, and to apply to this wide realm the guarantee of freedom from slavery. This safeguard was but the fulfilment of a condition suggested by Timothy Pickering, when, in 1783, General Rufus Putnam and nearly three hundred army officers had proposed to form a new state in that very region of the Ohio. They sent in a memorial to Congress asking for a grant of land. Washington heartily endorsed the project, but nothing came of it. North Carolina soon after made a cession of land to the United States, and then revoked it; but the people on the ceded territory declared themselves for a time to be a separate state under the name of Franklin. Virginia, through Thomas Jefferson, finally delivered a deed on March 1, 1784, by which she ceded to the United States all her territory northwest of the Ohio. The great gift was accepted, and a plan of government was adopted, into which Jefferson tried to introduce an anti-slavery ordinance, but he was defeated by a single vote. Again, in 1785, Rufus King of Massachusetts, seconded by William Ellery of Rhode Island, proposed to revive Jefferson's rejected clause, but again it failed, being smothered by a committee. It was not till July 13, 1787, that the statute passed by which slavery was forever prohibited in the territory of the Northwest, this being moved by Nathan Dane as an amendment to an ordinance already adopted, which he himself had framed, and being passed by a vote of every state then present in the Congress, eight in all. Under this statute the Ohio Company, organized in Boston the year before as the final outcome of Rufus Putnam's proposed colony of officers, bought from the government five or six millions of acres, and entered on the first great movement of emigration west of the Ohio. The report creating the colony provided for public schools, for religious institutions and for a university. The land was to be paid for in United States certificates of debt, and its price in specie was between eight and nine cents an acre. The settlers were almost wholly men who had served in the army, and were used to organization and discipline. The Indian title to the lands of the proposed settlement had been released by treaty. It was hailed by all as a great step in the national existence, although it was a far greater step than any one yet dreamed."

The Northwest Territory so established included the present states of Ohio, Indiana, Illinois, Michigan and Wisconsin. In 1784, Jefferson proposed a plan dividing the Northwest into ten states, each about a hundred and twenty miles wide, north and south; and for these states he proposed the following names: Sylvania, Michigania, Assenisipia, Illinois, Polypotamia, Cherronesus, Metropotamia, Saratoga, Pelisipia and Washington. There was a great deal of pretentious classicism in America at this time. Our new towns everywhere were being freighted with high-sounding Greek and Roman names. The founders of Marietta named one of their squares *Capitolium*; the road which led up from the river was the *Sacra Via*; and the new garrison, with block houses at the corners, was the *Campus Martius*. Jefferson was not the first to suggest the forms of states in the Northwest.

Washington, a year before, laid out on paper two states, which closely resembled the Ohio and Michigan of today. The present five states differ somewhat from the plan of 1787, the southern tier of states having encroached on the northern for the sake of certain harbors on the great lakes.

The passage of the Ordinance of 1787 caused a sudden and great emigration from the eastern states into the new territory, and the growth of the great West, which has formed so momentous a chapter in the history of the country, began. Within a year following the organization of the territory, twenty thousand people became settlers upon the banks of the Ohio. The first settlement was made at Marietta (so named in honor of Marie Antoinette) April 7, 1788, by General Rufus Putnam and a company from Massachusetts—the Ohio Company was formed at a convention held at the Bunch of Grapes, in Boston, March 1, 1786—who came down the river from the neighborhood of Pittsburgh on a boat named the *Mayflower*. “Forever honored be Marietta as another Plymouth.”

The men who first settled the Northwest Territory and who set the seal of their character and institutions upon it were of the best men of New England. “Look for a moment,” said Mr. Hoar, in his oration at the Marietta Centennial, “at the forty-eight men who came here a hundred years ago to found the first American civil government whose jurisdiction did not touch tide-water. See what manner of men they were; in what school they had been trained; what traditions they had inherited. I think you must agree that of all the men who ever lived on earth fit to perform ‘that ancient, primitive and heroic work,’ the founding of a State, they were the fittest.” The thorough and detailed passage upon the personal and political character of the founders of the Northwest, in Mr. Hoar’s oration, is deserving of special study. “No colony in America,” said Washington, who was deeply interested in the development of the West, and who was the warm personal friend of Putnam, “was ever settled under such favorable auspices as that which has just commenced at the Muskingum. Information, property and strength will be its characteristics. I know many of the settlers personally, and there never were men better calculated to promote the welfare of such a community.”

General Rufus Putnam was the great leader in this work of colonizing the West. “To Nathan Dane belongs the immortal honor of having been the draughtsman of the statute [the Ordinance of 1787] and of moving the anti-slavery amendment.” To Manasseh Cutler—lately a chaplain in the army and in 1787 minister at Ipswich—who was chiefly instrumental in securing the passage of the act in the shape it finally took, and who was one of the leaders in promoting the settlement at Marietta which immediately followed, belongs no less credit.

The Ordinance of 1787 is properly pronounced “the greatest and most important legislative act in American history.” “The disrespect with which the Continental Congress is sometimes spoken of,” says Mr. Hoar, “is most unjust. Its want of vigor was due to the limitation put upon its powers by the states, and to no want of wisdom or energy in its members. That body will ever hold a great place in history—if it had done nothing else—which declared independence, which called Washington to the chief command, which began its labors with the great state papers which Chatham declared surpassed the masterpieces of antiquity, and ended them with the Ordinance of 1787.”

The most notable article in the Ordinance of 1787 was that which forever prohibited slavery from the Northwest. “Here,” says Mr. Hoar, “was the first human government under which absolute civil and religious liberty has always prevailed. Here no witch was ever hanged or burned.

Here no heretic was ever molested. Here no slave was ever born or dwelt. When older states or nations, where the chains of human bondage have been broken, shall utter the proud boast, 'With a great sum obtained I this freedom,' each sister of this imperial group — Ohio, Michigan, Indiana, Illinois, Wisconsin — may lift her queenly head with the yet prouder answer, 'But I was free-born.'" The importance of this anti-slavery article of the Ordinance, in view of the course of our national history during the century that has followed, cannot be overestimated. "It fixed forever," said Webster, "the character of the population in the vast regions northwest of the Ohio by excluding from them involuntary servitude. It impressed on the soil itself, while it was yet a wilderness, an incapacity to sustain any other than freemen. It laid the interdict against personal servitude in original compact, not only deeper than all local law, but deeper, also, than all local constitutions." Jefferson had worked with the greatest earnestness to secure the insertion of a clause in the Ordinance of 1784, prohibiting slavery in the Northwest, and the clause was lost by only a single vote. "The voice of a single individual," said Jefferson, "would have prevented this abominable crime. Heaven will not always be silent; the friends of the rights of human nature will in the end prevail." The Ordinance of 1787 secured what Jefferson had labored for. "Thomas Jefferson," says Bancroft, "first summoned Congress to prohibit slavery in all the territory of the United States; Rufus King lifted up the measure when it lay almost lifeless on the ground, and suggested the immediate instead of the prospective prohibition; a Congress composed of five southern states, to one from New England, and two from the middle states, headed by William Grayson, supported by Richard Henry Lee, and using Nathan Dane as scribe, carried the measure to the goal in the amended form in which King had caused it to be referred to a committee; and, as Jefferson had proposed, placed it under the sanction of an irrevocable compact."

The Ordinance of 1784, the original of the Ordinance of 1787, was drawn up by Jefferson himself, as chairman of the committee of three, of which Chase of Maryland and Howell of Rhode Island were the other members, which had been appointed by Congress to prepare a plan for the temporary government of the territory. The draught of the committee's report, in Jefferson's own handwriting, is still preserved in the archives of the State Department at Washington. "It is as completely Jefferson's own work," remarks Bancroft, "as the Declaration of Independence." The text of this important paper may be found in Randall's *Life of Jefferson*, vol. i, p. 396, and elsewhere, and should be compared with the Ordinance of 1787. Jefferson's anti-slavery article was as follows: "That after the year 1800 of the Christian era there shall be neither slavery nor involuntary servitude in any of the said States, otherwise than in punishment of crimes, whereof the party shall have been duly convicted to have been personal guilty." The ordinance, shorn of this proscription of slavery, was adopted April 23, 1784, and remained in force three years, being superseded by the Ordinance of 1787.

See Hon. George F. Hoar's oration at the Marietta Centennial, April 7, 1888; Bancroft's *History of the United States*, vol. vi, chap. vi, on "The Colonial System of the United States"; the *Life, Journals and Correspondence of Manasseh Cutler*, especially the hundred pages giving the diary of his journey to New York and Philadelphia in 1787, on his mission to secure the passage of the Ohio bill; and, for its account of the early settlers and their life, Hildreth's *Pioneer History*. The course of lectures at Madison, Wisconsin, for the spring of 1888, in the line of the Old South lectures in Boston, was devoted to the history of the Northwest Territory from the

earliest times down to its final division into states, the special subjects being as follows: The Discovery of the Northwest; French Occupation of the Northwest; The Ordinance of 1787; The Division of the Northwest into States; Commonwealth Builders of the Northwest; The Position of the Northwest in General History.

“We are accustomed to praise the lawgivers of antiquity; we help to perpetuate the fame of Solon and Lycurgus; but I doubt whether one single law of any lawgiver, ancient or modern, has produced effects of more distinct, marked and lasting character than the Ordinance of 1787.”—*Daniel Webster.*

“The Ordinance of 1787 belongs with the Declaration of Independence and the Constitution. It is one of the three title deeds of American constitutional liberty. As the American youth for uncounted centuries shall visit the capital of his country—strongest, richest, freest, happiest of the nations of the earth—from the stormy coast of New England, from the luxuriant regions of the Gulf, from the lakes, from the prairie and the plain, from the Golden Gate, from far Alaska—he will admire the evidences of its grandeur and the monuments of its historic glory. He will find there rich libraries and vast museums and great cabinets, which show the product of that matchless inventive genius of America, which has multiplied a thousand fold the wealth and comfort of human life. He will see the simple and modest portal through which the great line of the Republic’s chief magistrates have passed at the call of their country to assume an honor surpassing that of emperors and kings, and through which they have returned, in obedience to her laws, to take their place again as equals in the ranks of their fellow-citizens. He will stand by the matchless obelisk which, loftiest of human structures, is itself but the imperfect type of the loftiest of human characters. He will gaze upon the marble splendors of the capitol, in whose chambers are enacted the statutes under which the people of a continent dwell together in peace, and the judgments are rendered which keep the forces of state and nation alike within their appointed bounds. He will look upon the record of great wars and the statues of great commanders. But if he knew his country’s history, and considered wisely the sources of her glory, there is nothing in all these which will so stir his heart as two faded and time-soiled papers, whose characters were traced by the hand of the fathers a hundred years ago. They are the original records of the acts which devoted this nation forever to equality, to education, to religion and to liberty. One is the Declaration of Independence, the other the Ordinance of 1787.”—*George F. Hoar.*





The
Constitution
of
Ohio.

We, the people of the State of Ohio, grateful to Almighty God for our freedom, to secure its blessings and promote our common welfare, do establish this constitution.

ARTICLE I.

BILL OF RIGHTS.

SECTION 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property, and seeking and obtaining happiness and safety.

SEC. 2. All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform, or abolish the same whenever they may deem it necessary; and no special privileges or immunities shall ever be granted that may not be altered, revoked, or repealed by the general assembly.

SEC. 3. The people have a right to assemble together in a peaceable manner to consult for their common good, to instruct their representatives, and to petition the general assembly for the redress of grievances.

SEC. 4. The people have the right to bear arms for their defense and security; but standing armies in time of peace are dangerous to liberty, and shall not be kept up; and the military shall be in strict subordination to the civil power.

SEC. 5. The right of trial by jury shall be inviolate.

SEC. 6. There shall be no slavery in this State, nor involuntary servitude, unless for the punishment of crime.

SEC. 7. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect, or

support any place of worship, or maintain any form of worship, against his consent; and no preference shall be given by law to any religious society, nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the general assembly to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction.

SEC. 8. The privilege of the writ of *habeas corpus* shall not be suspended, unless in cases of rebellion or invasion the public safety require it.

SEC. 9. All persons shall be bailable by sufficient sureties, except for capital offenses, where the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

SEC. 10. Except in cases of impeachment, and cases arising in the army and navy, or in the militia when in actual service in time of war or public danger, and in cases of petit larceny and other inferior offenses, no person shall be held to answer for a capital or otherwise infamous crime unless on presentment or indictment of a grand jury. In any trial, in any court, the party accused shall be allowed to appear and defend in person and with counsel, to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process to procure the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed, nor shall any person be compelled in any criminal case to be a witness against himself, or be twice put in jeopardy for the same offense.

SEC. 11. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of the right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions for libel, the truth may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted.

SEC. 12. No person shall be transported out of the State for any offense committed within the same ; and no conviction shall work corruption of blood or forfeiture of estate.

SEC. 13. No soldier shall, in time of peace, be quartered in any house without the consent of the owner ; nor in time of war except in the manner prescribed by law.

SEC. 14. The right of the people to be secure in their persons, houses, papers, and possessions, against unreasonable searches and seizures, shall not be violated ; and no warrant shall issue but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the person and things to be seized.

SEC. 15. No person shall be imprisoned for debt in any civil action on mesne or final process, unless in cases of fraud.

SEC. 16. All courts shall be open, and every person, for an injury done him in his land, goods, person, or reputation, shall have remedy by due course of law, and justice administered without denial or delay.

SEC. 17. No hereditary emoluments, honors, or privileges shall ever be granted or conferred by this State.

SEC. 18. No power of suspending laws shall ever be exercised, except by the general assembly.

SEC. 19. Private property shall ever be held inviolate, but subservient to the public welfare. When taken in time of war or other public exigency, imperatively requiring its immediate seizure, or for the purpose of making or repairing roads, which shall be open to the public without charge, a compensation shall be made to the owner in money, and in all other cases where private property shall be taken for public use a compensation therefor shall first be made in money, or first secured by a deposit of money ; and such compensation shall be assessed by a jury, without deduction for benefits to any property of the owner.

SEC. 20. This enumeration of rights shall not be construed to impair or deny others retained by the people ; and all powers not herein delegated remain with the people.

ARTICLE II.

LEGISLATIVE.

SECTION 1. The legislative power of this State shall be vested in a general assembly, which shall consist of a senate and house of representatives.

SEC. 2. Senators and representatives shall be elected

biennially, by the electors in the respective counties or districts, on the second Tuesday of October; their term of office shall commence on the first day of January next thereafter, and continue two years.

SEC. 3. Senators and representatives shall have resided in their respective counties or districts one year next preceding their election, unless they shall have been absent on the public business of the United States or of this State.

SEC. 4. No person holding office under the authority of the United States, or any lucrative office under the authority of this State, shall be eligible to, or have a seat in, the general assembly; but this provision shall not extend to township officers, justices of the peace, notaries public, or officers of the militia.

SEC. 5. No person hereafter convicted of an embezzlement of the public funds shall hold any office in this State; nor shall any person, holding public money for disbursement, or otherwise, have a seat in the general assembly until he shall have accounted for and paid such money into the treasury.

SEC. 6. Each house shall be judge of the election, returns, and qualifications of its own members; a majority of all the members elected to each house shall be a quorum to do business; but a less number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as shall be prescribed by law.

SEC. 7. The mode of organizing the house of representatives, at the commencement of each regular session, shall be prescribed by law.

SEC. 8. Each house, except as otherwise provided in this constitution, shall choose its own officers, may determine its own rules of proceeding, punish its members for disorderly conduct, and, with the concurrence of two thirds, expel a member, but not the second time for the same cause; and shall have all other powers necessary to provide for its safety and the undisturbed transaction of its business.

SEC. 9. Each house shall keep a correct journal of its proceedings, which shall be published. At the desire of any two members the yeas and nays shall be entered upon the journal; and on the passage of every bill, in either house, the vote shall be taken by yeas and nays and entered upon the journal; and no law shall be passed, in either house, without the concurrence of a majority of all the members elected thereto.

SEC. 10. Any member of either house shall have the right to protest against any act or resolution thereof; and such

protest, and the reasons therefor, shall, without alteration, commitment, or delay, be entered upon the journal.

SEC. 11. All vacancies which may happen in either house shall, for the unexpired term, be filled by election, as shall be directed by law.

SEC. 12. Senators and representatives, during the session of the general assembly, and in going to and returning from the same, shall be privileged from arrest, in all cases, except treason, felony, or breach of the peace; and for any speech or debate, in either house, they shall not be questioned elsewhere.

SEC. 13. The proceedings of both houses shall be public, except in cases which, in the opinion of two thirds of those present, require secrecy.

SEC. 14. Neither house shall, without the consent of the other, adjourn for more than two days, Sunday excluded; nor to any other place than that in which the two houses shall be in session.

SEC. 15. Bills may originate in either house; but may be altered, amended, or rejected in the other.

SEC. 16. Every bill shall be fully and distinctly read, on three different days, unless, in case of urgency, three fourths of the house in which it shall be pending shall dispense with this rule. No bill shall contain more than one subject, which shall be clearly expressed in its title; and no law shall be revived or amended unless the new act contain the entire act revived, or the section or sections amended; and the section or sections so amended shall be repealed.

SEC. 17. The presiding officer of each house shall sign, publicly, in the presence of the house over which he presides, while the same is in session and capable of transacting business, all bills and joint resolutions passed by the general assembly.

SEC. 18. The style of the laws of this State shall be, "*Be it enacted by the general assembly of the State of Ohio.*"

SEC. 19. No senator or representative shall, during the term for which he shall have been elected, or for one year thereafter, be appointed to any civil office under this State, which shall be created, or the emoluments of which shall have been increased, during the term for which he shall have been elected.

SEC. 20. The general assembly, in cases not provided for in this constitution, shall fix the term of office and the compensation of all officers; but no change therein shall affect the salary of any officer during his existing term, unless the office be abolished.

SEC. 21. The general assembly shall determine, by law,

before what authority, and in what manner, the trial of contested elections shall be conducted.

SEC. 22. No money shall be drawn from the treasury, except in pursuance of a specific appropriation made by law; and no appropriation shall be made for a longer period than two years.

SEC. 23. The house of representatives shall have the sole power of impeachment, but a majority of the members elected must concur therein. Impeachments shall be tried by the senate; and the senators, when sitting for that purpose, shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two thirds of the senators.

SEC. 24. The governor, judges, and all State officers may be impeached for any misdemeanor in office; but judgment shall not extend further than removal from office, and disqualification to hold any office, under the authority of this State. The party impeached, whether convicted or not, shall be liable to indictment, trial, and judgment, according to law.

SEC. 25. All regular sessions of the general assembly shall commence on the first Monday of January, biennially. The first session, under this constitution, shall commence on the first Monday of January, one thousand eight hundred and fifty-two.

SEC. 26. All laws, of a general nature, shall have a uniform operation throughout the State; nor shall any act, except such as relates to public schools, be passed to take effect upon the approval of any other authority than the general assembly, except as otherwise provided in this constitution.

SEC. 27. The election and appointment of all officers, and the filling of all vacancies, not otherwise provided for by this constitution, or the Constitution of the United States, shall be made in such manner as may be directed by law; but no appointing power shall be exercised by the general assembly, except as prescribed in this constitution, and in the election of United States Senators; and in these cases, the vote shall be taken *viva voce*.

SEC. 28. The general assembly shall have no power to pass retroactive laws, or laws impairing the obligation of contracts; but may, by general laws, authorize courts to carry into effect, upon such terms as shall be just and equitable, the manifest intention of parties, and officers, by curing omissions, defects, and errors, in instruments and proceedings, arising out of their want of conformity with the laws of this State.

SEC. 29. No extra compensation shall be made to any

officer, public agent, or contractor, after the service shall have been rendered, or the contract entered into; nor shall any money be paid on any claim, the subject matter of which shall not have been provided for by preëxisting law, unless such compensation, or claim, be allowed by two thirds of the members elected to each branch of the general assembly.

SEC. 30. No new county shall contain less than four hundred square miles of territory, nor shall any county be reduced below that amount; and all laws creating new counties, changing county lines, or removing county seats, shall, before taking effect, be submitted to the electors of the several counties to be affected thereby, at the next general election after the passage thereof, and be adopted by a majority of all the electors voting at such election in each of said counties; but any county now or hereafter containing one hundred thousand inhabitants may be divided, whenever a majority of the voters residing in each of the proposed divisions shall approve of the law passed for that purpose; but no town or city within the same shall be divided, nor shall either of the divisions contain less than twenty thousand inhabitants.

SEC. 31. The members and officers of the general assembly shall receive a fixed compensation, to be prescribed by law, and no other allowance or perquisites, either in the payment of postage or otherwise; and no change in their compensation shall take effect during their term of office.

SEC. 32. The general assembly shall grant no divorce, nor exercise any judicial power not herein expressly conferred.

ARTICLE III.

EXECUTIVE.

SECTION 1. The executive department shall consist of a governor, lieutenant-governor, secretary of state, auditor, treasurer, and an attorney-general, who shall be chosen by the electors of the State, on the second Tuesday of October, and at the places of voting for members of the general assembly.

SEC. 2. The governor, lieutenant-governor, secretary of state, treasurer, and attorney-general shall hold their offices for two years; and the auditor for four years. Their terms of office shall commence on the second Monday of January next after their election, and continue until their successors are elected and qualified.

SEC. 3. The returns of every election for the officers named

in the foregoing section shall be sealed up and transmitted to the seat of government, by the returning officers, directed to the president of the senate, who, during the first week of the session, shall open and publish them, and declare the result, in the presence of a majority of the members of each house of the general assembly. The person having the highest number of votes shall be declared duly elected; but if any two or more shall be highest and equal in votes for the same office, one of them shall be chosen by the joint vote of both houses.

SEC. 4. Should there be no session of the general assembly in January next after an election for any of the officers aforesaid, the returns of such election shall be made to the secretary of state, and opened, and the result declared by the governor, in such manner as may be provided by law.

SEC. 5. The supreme executive power of this State shall be vested in the governor.

SEC. 6. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices; and shall see that the laws are faithfully executed.

SEC. 7. He shall communicate at every session, by message, to the general assembly the condition of the State, and recommend such measures as he shall deem expedient.

SEC. 8. He may, on extraordinary occasions, convene the general assembly by proclamation, and shall state to both houses, when assembled, the purpose for which they have been convened.

SEC. 9. In case of disagreement between the two houses in respect to the time of adjournment, he shall have power to adjourn the general assembly to such time as he may think proper, but not beyond the regular meetings thereof.

SEC. 10. He shall be commander-in-chief of the military and naval forces of the State, except when they shall be called into the service of the United States.

SEC. 11. He shall have power, after conviction, to grant reprieves, commutations, and pardons, for all crimes and offenses except treason and cases of impeachment, upon such conditions as he may think proper; subject, however, to such regulations as to the manner of applying for pardons as may be prescribed by law. Upon conviction for treason, he may suspend the execution of the sentence, and report the case to the general assembly, at its next meeting, when the general assembly shall either pardon, commute the sentence, direct its execution, or grant a further reprieve. He shall communicate to the

general assembly, at every regular session, each case of reprieve, commutation, or pardon granted, stating the name and crime of the convict, the sentence, its date, and the date of the commutation, pardon, or reprieve, with his reasons therefor.

SEC. 12. There shall be a seal of the State, which shall be kept by the governor, and used by him officially; and shall be called "The Great Seal of the State of Ohio."

SEC. 13. All grants and commissions shall be issued in the name and by the authority of the State of Ohio; sealed with the great seal, signed by the governor, and countersigned by the secretary of state.

SEC. 14. No member of Congress or other person holding office under the authority of this State, or of the United States, shall execute the office of governor except as herein provided.

SEC. 15. In case of the death, impeachment, resignation, removal, or other disability of the governor, the powers and duties of the office, for the residue of the term or until he shall be acquitted, or the disability removed, shall devolve upon the lieutenant-governor.

SEC. 16. The lieutenant-governor shall be president of the senate, but shall vote only when the senate is equally divided; and in case of his absence or impeachment, or when he shall exercise the office of governor, the senate shall choose a president *pro tempore*.

SEC. 17. If the lieutenant-governor, while executing the office of governor, shall be impeached, displaced, resign, or die, or otherwise become incapable of performing the duties of the office, the president of the senate shall act as governor until the vacancy is filled, or the disability removed; and if the president of the senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of governor, the same shall devolve upon the speaker of the house of representatives.

SEC. 18. Should the office of auditor, treasurer, secretary, or attorney-general become vacant for any of the causes specified in the fifteenth section of this article, the governor shall fill the vacancy until the disability is removed, or a successor elected and qualified. Every such vacancy shall be filled by election, at the first general election that occurs more than thirty days after it shall have happened; and the person chosen shall hold the office for the full term fixed in the second section of this article.

SEC. 19. The officers mentioned in this article shall, at stated times, receive for their services a compensation to be

established by law, which shall neither be increased nor diminished during the period for which they shall have been elected.

SEC. 20. The officers of the executive department, and of the public State institutions, shall, at least five days preceding each regular session of the general assembly, severally report to the governor, who shall transmit such reports, with his message, to the general assembly.

ARTICLE IV.

JUDICIAL.

SECTION 1. The judicial power of the State is vested in a supreme court, circuit courts, courts of common pleas, courts of probate, justices of the peace, and such other courts inferior to the supreme court, as the general assembly may from time to time establish. [*As amended October 9, 1883.*]

SEC. 2. The supreme court shall, until otherwise provided by law, consist of five judges, a majority of whom competent to sit shall be necessary to form a quorum or to pronounce a decision, except as hereinafter provided. It shall have original jurisdiction in *quo warranto*, *mandamus*, *habeas corpus*, and *procedendo*, and such appellate jurisdiction as may be provided by law. It shall hold at least one term in each year at the seat of government, and such other terms, there or elsewhere, as may be provided by law. The judges of the supreme court shall be elected by the electors of the State at large, for such term, not less than five years, as the general assembly may prescribe, and they shall be elected and their official term shall begin at such time as may be fixed by law. In case the general assembly shall increase the number of such judges, the first term of each of such additional judges shall be such, that in each year after their first election, an equal number of judges of the supreme court shall be elected, except in elections to fill vacancies; and whenever the number of such judges shall be increased, the general assembly may authorize such court to organize divisions thereof, not exceeding three, each division to consist of an equal number of judges; for the adjudication of cases, a majority of each division shall constitute a quorum, and such an assignment of the cases to each division may be made as such court may deem expedient, but whenever all the judges of either division hearing a case shall not concur as to the judgment to be rendered therein, or whenever a case shall involve the constitutionality of an act of the general assembly

or of an act of congress, it shall be reserved to the whole court for adjudication. The judges of the supreme court in office when this amendment takes effect shall continue to hold their offices until their successors are elected and qualified. [*As amended October 9, 1883.*]

SEC. 3. The State shall be divided into nine common-pleas districts, of which the county of Hamilton shall constitute one, of compact territory, and bounded by county lines; and each of said districts, consisting of three or more counties, shall be subdivided into three parts, of compact territory, bounded by county lines, and as nearly equal in population as practicable; in each of which one judge of the court of common pleas for said district, and residing therein, shall be elected by the electors of said subdivision. Courts of common pleas shall be held by one or more of these judges, in every county in the district, as often as may be provided by law; and more than one court or sitting thereof may be held at the same time in each district.

SEC. 4. The jurisdiction of the courts of common pleas, and of the judges thereof, shall be fixed by law.

SEC. 5. District courts shall be composed of the judges of the courts of common pleas of the respective districts, and one of the judges of the supreme court, any three of whom shall be a quorum, and shall be held in each county therein at least once in each year; but if it shall be found inexpedient to hold such court annually in each county of any district, the general assembly may, for such district, provide that said court shall hold at least three annual sessions therein, in not less than three places; *Provided*, That the general assembly may, by law, authorize the judges of each district to fix the times of holding the courts therein. [*Repealed October 9, 1883.*]

SEC. 6. The circuit court shall have like original jurisdiction with the supreme court, and such appellate jurisdiction as may be provided by law. Such courts shall be composed of such number of judges as may be provided by law, and shall be held in each county, at least once in each year. The number of circuits, and the boundaries thereof, shall be prescribed by law. Such judges shall be elected in each circuit by the electors thereof, and at such time and for such term as may be prescribed by law, and the same number shall be elected in each circuit. Each judge shall be competent to exercise his judicial powers in any circuit. The general assembly may change, from time to time, the number or boundaries of the circuits. The circuit courts shall be the successors of the district courts, and all cases, judgments, records, and proceedings

pending in said district courts, in the several counties of any district, shall be transferred to the circuit courts in the several counties, and be proceeded in as though said district courts had not been abolished; and the district courts shall continue in existence until the election and qualification of the judges of the circuit courts. [*As amended October 9, 1883.*]

SEC. 7. There shall be established in each county a probate court, which shall be a court of record, open at all times, and holden by one judge, elected by the voters of the county, who shall hold his office for the term of three years, and shall receive such compensation, payable out of the county treasury, or by fees, or both, as shall be provided by law.

SEC. 8. The probate court shall have jurisdiction in probate and testamentary matters, the appointment of administrators and guardians, the settlement of the accounts of executors, administrators, and guardians, and such jurisdiction in *habeas corpus*, the issuing of marriage licenses, and for the sale of land by executors, administrators, and guardians, and such other jurisdiction, in any county or counties, as may be provided by law.

SEC. 9. A competent number of justices of the peace shall be elected, by the electors, in each township in the several counties. Their term of office shall be three years, and their powers and duties shall be regulated by law.

SEC. 10. All judges, other than those provided for in this constitution, shall be elected by the electors of the judicial district for which they may be created, but not for a longer term of office than five years.

SEC. 11. The judges of the supreme court shall, immediately after the first election under this constitution, be classified by lot, so that one shall hold for the term of one year, one for two years, one for three years, one for four years, and one for five years; and at all subsequent elections, the term of each of the said judges shall be for five years. [*Repealed October 9, 1883.*]

SEC. 12. The judges of the courts of common pleas shall, while in office, reside in the district for which they are elected; and their term of office shall be for five years.

SEC. 13. In case the office of any judge shall become vacant before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the governor, until a successor is elected and qualified; and such successor shall be elected for the unexpired term at the first annual election that occurs more than thirty days after the vacancy shall have happened.

SEC. 14. The judges of the supreme court, and of the court of common pleas, shall, at stated times, receive for their services such compensation as may be provided by law, which shall not be diminished or increased during their term of office; but they shall receive no fees or perquisites, nor hold any other office of profit or trust, under the authority of this State, or the United States. All votes for either of them, for any elective office, except a judicial office, under the authority of this State, given by the general assembly, or the people, shall be void.

SEC. 15. The general assembly may increase or diminish the number of the judges of the supreme court, the number of the districts of the court of common pleas, the number of judges in any district, change the districts, or the subdivisions thereof, or establish other courts, whenever two thirds of the members elected to each house shall concur therein; but no such change, addition, or diminution shall vacate the office of any judge.

SEC. 16. There shall be elected in each county, by the electors thereof, one clerk of the court of common pleas, who shall hold his office for the term of three years, and until his successor shall be elected and qualified. He shall, by virtue of his office, be clerk of all other courts of record held therein; but the general assembly may provide by law for the election of a clerk, with a like term of office, for each or any other of the courts of record, and may authorize the judge of the probate court to perform the duties of clerk for his court, under such regulations as may be directed by law. Clerks of courts shall be removable for such cause, and in such manner, as shall be prescribed by law.

SEC. 17. Judges may be removed from office, by concurrent resolution of both houses of the general assembly, if two thirds of the members, elected to each house, concur therein; but no such removal shall be made, except upon complaint, the substance of which shall be entered on the journal, nor until the party charged shall have had notice thereof and an opportunity to be heard.

SEC. 18. The several judges of the supreme court, of the common pleas, and of such other courts as may be created, shall, respectively, have and exercise such power and jurisdiction, at chambers or otherwise, as may be directed by law.

SEC. 19. The general assembly may establish courts of conciliation, and prescribe their powers and duties; but such courts shall not render final judgment, in any case, except upon submission by the parties of the matter in dispute, and their agreement to abide such judgment.

SEC. 20. The style of all process shall be, "The State of

Ohio;" all prosecutions shall be carried on in the name and by the authority of the State of Ohio; and all indictments shall conclude, "against the peace and dignity of the State of Ohio."

SEC. 21. A commission, which shall consist of five members, shall be appointed by the governor, with the advice and consent of the senate, the members of which shall hold office for the term of three years from and after the first day of February, 1876, to dispose of such part of the business then on the dockets of the supreme court as shall, by arrangement between said commission and said court, be transferred to such commission; and said commission shall have like jurisdiction and power in respect to such business as are or may be vested in said court, and the members of said commission shall receive a like compensation for the time being with the judges of said court. A majority of the members of said commission shall be necessary to form a quorum or pronounce a decision, and its decision shall be certified, entered, and enforced as the judgments of the supreme court, and at the expiration of said commission all business undisposed of shall by it be certified to the supreme court, and disposed of as if said commission had never existed. The clerk and reporter of said court shall be the clerk and reporter of said commission, and the commission shall have such other attendants, not exceeding in number those provided by law for said court, which attendants said commission may appoint and remove at its pleasure. Any vacancy occurring in said commission shall be filled by appointment of the governor, with the advice and consent of the senate, if the senate be in session; and if the senate be not in session, by the governor; but in such last case, such appointment shall expire at the end of the next session of the general assembly. The general assembly may, on application of the supreme court, duly entered on the journal of the court and certified, provide by law, whenever two thirds of such [each] house shall concur therein, from time to time, for the appointment in like manner of a like commission with like powers, jurisdiction, and duties: provided, that the term of any such commission shall not exceed two years nor shall it be created oftener than once in ten years.

In obedience to a joint resolution of the general assembly, March 30, 1875, the above section was submitted to the people on the 12th day of October, 1875, and adopted. The following statement shows the vote:

Whole number of votes cast	.	.	.	.	595,248
For the amendment	.	.	.	.	339,076
Against the amendment	.	.	.	.	98,561

ARTICLE V.

ELECTIVE FRANCHISE.

SECTION 1. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the State one year next preceding the election, and of the county, township, or ward in which he resides such time as may be provided by law, shall have the qualifications of an elector, and be entitled to vote at all elections.

SEC. 2. All elections shall be by ballot.

SEC. 3. Electors, during their attendance at elections and in going to and returning therefrom, shall be privileged from arrest, in all cases, except treason, felony, and breach of the peace.

SEC. 4. The general assembly shall have power to exclude from the privilege of voting, or of being eligible to office, any person convicted of bribery, perjury, or other infamous crime.

SEC. 5. No person in the military, naval, or marine service of the United States shall, by being stationed in any garrison or military or naval station within the State, be considered a resident of this State.

SEC. 6. No idiot or insane person shall be entitled to the privileges of an elector.

ARTICLE VI.

EDUCATION.

SECTION 1. The principal of all funds arising from the sale or other disposition of lands or other property, granted or intrusted to this State for educational and religious purposes, shall forever be preserved inviolate and undiminished; and the income arising therefrom shall be faithfully applied to the specific objects of the original grants or appropriations.

SEC. 2. The general assembly shall make such provisions, by taxation or otherwise, as, with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the State; but no religious or other sect or sects shall ever have any exclusive right to or control of any part of the school funds of this State.

ARTICLE VII.

PUBLIC INSTITUTIONS.

SECTION 1. Institutions for the benefit of the insane, blind, and deaf and dumb shall always be fostered and supported by the State, and be subject to such regulations as may be prescribed by the general assembly.

SEC. 2. The directors of the penitentiary shall be appointed or elected in such manner as the general assembly may direct; and the trustees of the benevolent and other State institutions now elected by the general assembly, and of such other State institutions as may be hereafter created, shall be appointed by the governor, by and with the advice and consent of the senate; and upon all nominations made by the governor the question shall be taken by yeas and nays and entered upon the journals of the senate.

SEC. 3. The governor shall have power to fill all vacancies that may occur in the offices aforesaid, until the next session of the general assembly, and until a successor to his appointee shall be confirmed and qualified.

ARTICLE VIII.

PUBLIC DEBT AND PUBLIC WORKS.

SECTION 1. The State may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of the general assembly, or at different periods of time, shall never exceed seven hundred and fifty thousand dollars; and the money arising from the creation of such debts shall be applied to the purpose for which it was obtained, or to repay the debts so contracted, and to no other purpose whatever.

SEC. 2. In addition to the above limited power, the State may contract debts to repel invasion, suppress insurrection, defend the State in war, or to redeem the present outstanding indebtedness of the State; but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever; and all debts incurred to redeem the present outstanding indebtedness of the State shall be so contracted

as to be payable by the sinking fund, hereinafter provided for, as the same shall accumulate.

SEC. 3. Except the debts above specified in sections one and two of this article, no debt whatever shall hereafter be created by or on behalf of the State.

SEC. 4. The credit of the State shall not, in any manner, be given or loaned to, or in aid of, any individual, association, or corporation whatever; nor shall the State ever hereafter become a joint owner or stockholder in any company or association in this State or elsewhere, formed for any purpose whatever.

SEC. 5. The State shall never assume the debts of any county, city, town, or township, or of any corporation whatever, unless such debt shall have been created to repel invasion, suppress insurrection, or defend the State in war.

SEC. 6. The general assembly shall never authorize any county, city, town, or township, by vote of its citizens or otherwise, to become a stockholder in any joint stock company, corporation, or association whatever; or to raise money for, or loan its credit to or in aid of, any such company, corporation, or association.

SEC. 7. The faith of the State being pledged for the payment of its public debt, in order to provide therefor, there shall be created a sinking fund, which shall be sufficient to pay the accruing interest on such debt, and annually to reduce the principal thereof, by a sum not less than one hundred thousand dollars, increased yearly, and each and every year, by compounding, at the rate of 6 per cent. per annum. The said sinking fund shall consist of the net annual income of the public works and stocks owned by the State, of any other funds or resources that are or may be provided by law, and of such further sum, to be raised by taxation, as may be required for the purposes aforesaid.

SEC. 8. The auditor of state, secretary of state, and attorney-general are hereby created a board of commissioners, to be styled, "the commissioners of the sinking fund."

SEC. 9. The commissioners of the sinking fund shall, immediately preceding each regular session of the general assembly, make an estimate of the probable amount of the fund provided for in the seventh section of this article, from all sources except from taxation, and report the same, together with all their proceedings relative to said fund and the public debt, to the governor, who shall transmit the same with his regular message to the general assembly; and the general assembly shall make all

necessary provision for raising and disbursing said sinking fund, in pursuance of the provisions of this article.

SEC. 10. It shall be the duty of the said commissioners faithfully to apply said fund, together with all moneys that may be by the general assembly appropriated to that object, to the payment of the interest, as it becomes due, and the redemption of the principal of the public debt of the State, excepting only the school and trust funds held by the State.

SEC. 11. The said commissioners shall, semi-annually, make a full and detailed report of their proceedings to the governor, who shall immediately cause the same to be published, and shall also communicate the same to the general assembly forthwith, if it be in session, and if not, then at its first session after such report shall be made.

SEC. 12. So long as this State shall have public works which require superintendence, there shall be a board of public works to consist of three members, who shall be elected by the people at the first general election after the adoption of this constitution, one for the term of one year, one for the term of two years, and one for the term of three years; and one member of said board shall be elected annually thereafter, who shall hold his office for three years.

SEC. 13. The powers and duties of said board of public works and its several members, and their compensation, shall be such as now are or may be prescribed by law.

ARTICLE IX.

MILITIA.

SECTION 1. All white male citizens, residents of this State, being eighteen years of age, and under the age of forty-five years, shall be enrolled in the militia, and perform military duty in such manner, not incompatible with the Constitution and laws of the United States, as may be prescribed by law.

SEC. 2. Majors-general, brigadiers-general, colonels, lieutenant-colonels, majors, captains, and subalterns, shall be elected by the persons subject to military duty in their respective districts.

SEC. 3. The governor shall appoint the adjutant-general, quartermaster-general, and such other staff-officers as may be provided for by law. Majors-general, brigadiers-general, colonels or commandants of regiments, battalions, or squadrons, shall, severally, appoint their staff, and captains shall appoint their non-commissioned officers and musicians.

SEC. 4. The governor shall commission all officers of the line and staff, ranking as such; and shall have power to call forth the militia to execute the laws of the State, to suppress insurrection, and repel invasion.

SEC. 5. The general assembly shall provide, by law, for the protection and safe-keeping of the public arms.

ARTICLE X.

COUNTY AND TOWNSHIP ORGANIZATIONS.

SECTION 1. The general assembly shall provide, by law, for the election of such county and township officers as may be necessary.

SEC. 2. County officers shall be elected on the second Tuesday of October, until otherwise directed by law, by the qualified electors of each county, in such manner, and for such term, not exceeding three years, as may be provided by law.

SEC. 3. No person shall be eligible to the office of sheriff or county treasurer for more than four years in any period of six years.

SEC. 4. Township officers shall be elected on the first Monday of April, annually, by the qualified electors of their respective townships, and shall hold their offices for one year from the Monday next succeeding their election and until their successors are qualified.

SEC. 5. No money shall be drawn from any county or township treasury except by authority of law.

SEC. 6. Justices of the peace and county and township officers may be removed in such manner and for such cause as shall be prescribed by law.

SEC. 7. The commissioners of counties, the trustees of townships, and similar boards, shall have such power of local taxation, for police purposes, as may be prescribed by law.

ARTICLE XI.

APPORTIONMENT.

SECTION 1. The apportionment of this State for members of the general assembly shall be made every ten years, after the year one thousand eight hundred and fifty-one, in the following manner: The whole population of the State, as ascertained by the Federal census, or in such other mode as the general assembly may direct, shall be divided by the number "one hundred,"

and the quotient shall be the ratio of representation in the house of representatives for ten years next succeeding such apportionment.

SEC. 2. Every county having a population equal to one half of said ratio shall be entitled to one representative; every county containing said ratio, and three fourths over, shall be entitled to two representatives; every county containing three times said ratio shall be entitled to three representatives, and so on, requiring after the first two an entire ratio for each additional representative.

SEC. 3. When any county shall have a fraction above the ratio so large that, being multiplied by five, the result will be equal to one or more ratios, additional representatives shall be apportioned for such ratios among the several sessions of the decennial period, in the following manner: If there be only one ratio, a representative shall be allotted to the fifth session of the decennial period; if there are two ratios, a representative shall be allotted to the fourth and third sessions, respectively; if three, to the third, second, and first sessions, respectively; if four, to the fourth, third, second, and first sessions, respectively.

SEC. 4. Any county forming with another county or counties a representative district, during one decennial period, if it have acquired sufficient population at the next decennial period, shall be entitled to a separate representation, if there shall be left, in the district from which it shall have been separated, a population sufficient for a representative, but no such change shall be made except at the regular decennial period for the apportionment of representatives.

SEC. 5. If, in fixing any subsequent ratio, a county, previously entitled to a separate representation, shall have less than the number required by the new ratio for a representative, such county shall be attached to the county adjoining it having the least number of inhabitants; and the representation of the district so formed shall be determined as herein provided.

SEC. 6. The ratio for a senator shall forever hereafter be ascertained by dividing the whole population of the State by the number thirty-five.

SEC. 7. The State is hereby divided into thirty-three senatorial districts, as follows: The county of Hamilton shall constitute the first senatorial district; the counties of Butler and Warren, the second; Montgomery and Preble, the third; Clermont and Brown, the fourth; Greene, Clinton, and Fayette, the fifth; Ross and Highland, the sixth; Adams, Pike, Scioto, and Jackson, the seventh: Lawrence, Gallia, Meigs, and Vinton, the

eighth; Athens, Hocking, and Fairfield, the ninth; Franklin and Pickaway, the tenth; Clarke, Champaign, and Madison, the eleventh; Miami, Darke, and Shelby, the twelfth; Logan, Union, Marion, and Hardin, the thirteenth; Washington and Morgan, the fourteenth; Muskingum and Perry, the fifteenth; Delaware and Licking, the sixteenth; Knox and Morrow, the seventeenth; Coshocton and Tuscarawas, the eighteenth; Guernsey and Monroe, the nineteenth; Belmont and Harrison, the twentieth; Carroll and Stark, the twenty-first; Jefferson and Columbiana, the twenty-second; Trumbull and Mahoning, the twenty-third; Ashtabula, Lake, and Geauga, the twenty-fourth; Cuyahoga, the twenty-fifth; Portage and Summit, the twenty-sixth; Medina and Lorain, the twenty-seventh; Wayne and Holmes, the twenty-eighth; Ashland and Richland, the twenty-ninth; Huron, Erie, Sandusky, and Ottawa, the thirtieth; Seneca, Crawford, and Wyandot, the thirty-first; Mercer, Auglaize, Allen, Van Wert, Paulding, Defiance, and Williams, the thirty-second; and Hancock, Wood, Lucas, Fulton, Henry, and Putnam, the thirty-third. For the first decennial period, after the adoption of this constitution, each of said districts shall be entitled to one senator, except the first district, which shall be entitled to three senators.

SEC. 8. The same rules shall be applied in apportioning the fractions of senatorial districts, and in annexing districts which may hereafter have less than three fourths of a senatorial ratio, as are applied to representative districts.

SEC. 9. Any county forming part of a senatorial district having acquired a population equal to a full senatorial ratio shall be made a separate senatorial district, at any regular decennial apportionment, if a full senatorial ratio shall be left in the district from which it shall be taken.

SEC. 10. For the first ten years after the year one thousand eight hundred and fifty-one the apportionment of representatives shall be as provided in the schedule, and no change shall ever be made in the principles of representation, as herein established, or in the senatorial districts, except as above provided. All territory belonging to a county at the time of any apportionment shall, as to the right of representation and suffrage, remain an integral part thereof during the decennial period.

SEC. 11. The governor, auditor, and secretary of state, or any two of them, shall, at least six months prior to the October election, in the year one thousand eight hundred and sixty-one, and at each decennial period thereafter, ascertain and determine

the ratio of representation, according to the decennial census, the number of representatives and senators each county or district shall be entitled to elect, and for what years, within the next ensuing ten years, and the governor shall cause the same to be published, in such manner as shall be directed by law.

JUDICIAL APPORTIONMENT.

SEC. 12. For judicial purposes, the State shall be apportioned as follows:

The county of Hamilton shall constitute the first district, which shall not be subdivided; and the judges therein may hold separate courts, or separate sittings of the same court, at the same time.

The counties of Butler, Preble, and Darke shall constitute the first subdivision, Montgomery, Miami, and Champaign, the second, and Warren, Clinton, Greene, and Clarke, the third subdivision, of the second district; and, together, shall form such district.

The counties of Shelby, Auglaize, Allen, Hardin, Logan, Union, and Marion shall constitute the first subdivision, Mercer, Van Wert, Putnam, Paulding, Defiance, Williams, Henry, and Fulton, the second, and Wood, Seneca, Hancock, Wyandot, and Crawford, the third subdivision, of the third district; and, together, shall form such district.

The counties of Lucas, Ottawa, Sandusky, Erie, and Huron shall constitute the first subdivision, Lorain, Medina, and Summit, the second, and the county of Cuyahoga the third subdivision, of the fourth district; and, together, shall form such district.

The counties of Clermont, Brown, and Adams shall constitute the first subdivision, Highland, Ross, and Fayette, the second, and Pickaway, Franklin, and Madison, the third subdivision, of the fifth district; and, together, shall form such district.

The counties of Licking, Knox, and Delaware shall constitute the first subdivision, Morrow, Richland, and Ashland, the second, and Wayne, Holmes, and Coshocton, the third subdivision, of the sixth district; and, together, shall form such district.

The counties of Fairfield, Perry, and Hocking shall constitute the first subdivision, Jackson, Vinton, Pike, Scioto, and Lawrence, the second, and Gallia, Meigs, Athens, and Washington, the third subdivision, of the seventh district; and, together, shall form such district.

The counties of Muskingum and Morgan shall constitute the first subdivision, Guernsey, Belmont, and Monroe, the second, and Jefferson, Harrison, and Tuscarawas, the third subdivision, of the eighth district; and, together, shall form such district.

The counties of Stark, Carroll, and Columbiana shall constitute the first subdivision, Trumbull, Portage, and Mahoning, the second, and Geauga, Lake, and Ashtabula, the third subdivision, of the ninth district; and, together, shall form such district.

SEC. 13. The general assembly shall attach any new counties that may hereafter be erected to such districts, or subdivisions thereof, as shall be most convenient.

ARTICLE XII.

FINANCE AND TAXATION.

SECTION 1. The levying of taxes, by the poll, is grievous and oppressive; therefore, the general assembly shall never levy a poll tax, for county or State purposes.

SEC. 2. Laws shall be passed taxing by a uniform rule all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise; and also all real and personal property according to its true value in money; but burying-grounds, public school-houses, houses used exclusively for public worship, institutions of purely public charity, public property used exclusively for any public purpose, and personal property to an amount not exceeding in value two hundred dollars, for each individual, may, by general laws, be exempted from taxation; but all such laws shall be subject to alteration or repeal, and the value of all property so exempted shall, from time to time, be ascertained and published, as may be directed by law.

SEC. 3. The general assembly shall provide, by law, for taxing the notes and bills discounted or purchased, moneys loaned, and all other property, effects, or dues of every description (without deduction) of all banks, now existing or hereafter created, and of all bankers, so that all property employed in banking shall always bear a burden of taxation equal to that imposed on the property of individuals.

SEC. 4. The general assembly shall provide for raising revenue, sufficient to defray the expenses of the State, for each year, and also a sufficient sum to pay the interest on the State debt.

SEC. 5. No tax shall be levied, except in pursuance of law; and every law imposing a tax shall state, distinctly, the object of the same, to which only it shall be applied.

SEC. 6. The State shall never contract any debt for purposes of internal improvement.

ARTICLE XIII.

CORPORATIONS.

SECTION 1. The general assembly shall pass no special act conferring corporate powers.

SEC. 2. Corporations may be formed under general laws; but all such laws may, from time to time, be altered or repealed.

SEC. 3. Dues from corporations shall be secured by such individual liability of the stockholders, and other means, as may be prescribed by law; but, in all cases, each stockholder shall be liable, over and above the stock by him or her owned, and any amount unpaid thereon, to a further sum at least equal in amount to such stock.

SEC. 4. The property of corporations, now existing or hereafter created, shall forever be subject to taxation, the same as the property of individuals.

SEC. 5. No right of way shall be appropriated to the use of any corporation, until full compensation therefor be first made in money, or first secured by a deposit of money, to the owner, irrespective of any benefit from any improvement proposed by such corporation; which compensation shall be ascertained by a jury of twelve men, in a court of record, as shall be prescribed by law.

SEC. 6. The general assembly shall provide for the organization of cities, incorporated villages, by general laws; and restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such power.

SEC. 7. No act of the general assembly, authorizing associations with banking powers, shall take effect, until it shall be submitted to the people, at the general election next succeeding the passage thereof, and be approved by a majority of all the electors voting at such election.

ARTICLE XIV.

JURISPRUDENCE.

SECTION 1. The general assembly, at its first session after the adoption of this constitution, shall provide for the appointment of three commissioners, and prescribe their tenure of office, compensation, and the mode of filling vacancies in said commission.

SEC. 2. The said commissioners shall revise, reform, simplify, and abridge the practice, pleadings, forms, and proceedings of the courts of record of this State; and, as far as practicable and expedient, shall provide for the abolition of the distinct forms of action at law now in use, and for the administration of justice by a uniform mode of proceeding, without reference to any distinction between law and equity.

SEC. 3. The proceedings of the commissioners shall, from time to time, be reported to the general assembly, and be subject to the action of that body.

ARTICLE XV.

MISCELLANEOUS.

SECTION 1. Columbus shall be the seat of government, until otherwise directed by law.

SEC. 2. The printing of the laws, journals, bills, legislative documents, and papers for each branch of the general assembly, with the printing required for the executive and other departments of State, shall be let on contract, to the lowest responsible bidder, by such executive officers, and in such manner as shall be prescribed by law.

SEC. 3. An accurate and detailed statement of the receipts and expenditures of the public money, the several amounts paid, to whom, and on what account, shall from time to time be published, as shall be prescribed by law.

SEC. 4. No person shall be elected or appointed to any office in this State, unless he possesses the qualifications of an elector.

SEC. 5. No person who shall hereafter fight a duel, assist in the same as second, or send, accept, or knowingly carry a challenge therefor, shall hold any office in this State.

SEC. 6. Lotteries, and the sale of lottery tickets, for any purpose whatever, shall forever be prohibited in this State.

SEC. 7. Every person chosen or appointed to any office under this State, before entering upon the discharge of its duties, shall take an oath or affirmation to support the Constitution of the United States, and of this State, and also an oath of office.

SEC. 8. There may be established, in the secretary of state's office, a bureau of statistics, under such regulations as may be prescribed by law.

ARTICLE XVI.

AMENDMENTS.

SECTION 1. Either branch of the general assembly may propose amendments to this constitution; and, if the same shall be agreed to by three fifths of the members elected to each house, such proposed amendments shall be entered on the journals, with the yeas and nays, and shall be published in at least one newspaper in each county of the State, where a newspaper is published, for six months preceding the next election for senators and representatives, at which time the same shall be submitted to the electors, for their approval or rejection; and if a majority of the electors, voting at such election, shall adopt such amendments, the same shall become a part of the constitution. When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately.

SEC. 2. Whenever two thirds of the members elected to each branch of the general assembly shall think it necessary to call a convention to revise, amend, or change this constitution, they shall recommend to the electors to vote at the next election for members of the general assembly, for or against a convention; and if a majority of all the electors voting at said election shall have voted for a convention, the general assembly shall, at their next session, provide by law for calling the same. The convention shall consist of as many members as the house of representatives, who shall be chosen in the same manner, and shall meet within three months after their election, for the purpose aforesaid.

SEC. 3. At the general election to be held in the year one thousand eight hundred and seventy-one, and in each twentieth year thereafter, the question, "Shall there be a convention to revise, alter, or amend the constitution?" shall be submitted to the electors of the State; and in case a majority of all the

electors voting at such election shall decide in favor of a convention, the general assembly, at its next session, shall provide by law for the election of delegates, and the assembling of such convention as is provided in the preceding section; but no amendment of this constitution agreed upon by any convention assembled in pursuance of this article, shall take effect until the same shall have been submitted to the electors of the State, and adopted by a majority of those voting thereon.

In pursuance of this section the question "shall there be a convention to revise, alter, or amend the constitution," was submitted to the people on the 10th day of October, 1871, resulting in favor of the convention by the following vote:

Whole number of electors voting at said election . . .	459,990
Whole number of electors voting in favor of the convention .	264,970
Whole number of electors voting against the convention .	104,231

The convention which met on the 13th day of May, 1873, and remained in session one hundred and eighty-eight days, submitted a new constitution to a vote of the people on the 18th day of August, 1874, which failed of adoption, the following statement showing the vote thereon:

Against new constitution	250,169
For new constitution	102,885

Majority against new constitution . . .	147,284
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SCHEDULE.

SECTION 1. All laws of this State in force on the first day of September, one thousand eight hundred and fifty-one, not inconsistent with this constitution, shall continue in force until amended or repealed.

SEC. 2. The first election for members of the general assembly under this constitution shall be held on the second Tuesday of October, one thousand eight hundred and fifty-one.

SEC. 3. The first election for governor, lieutenant-governor, auditor, treasurer, and secretary of state, and attorney-general, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-one. The persons holding said offices on the first day of September, one thousand eight hundred and fifty-one, shall continue therein until the second Monday of January, one thousand eight hundred and fifty-two.

SEC. 4. The first election for judges of the supreme court, courts of common pleas, and probate courts, and the clerks of the courts of common pleas, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-one, and

the official term of said judges and clerks so elected shall commence on the second Monday of February, one thousand eight hundred and fifty-two. Judges and clerks of the courts of common pleas and supreme court, in office on the first day of September, one thousand eight hundred and fifty-one, shall continue in office with their present powers and duties until the second Monday of February, one thousand eight hundred and fifty-two. No suit or proceeding pending in any of the courts of this State shall be affected by the adoption of this constitution.

SEC. 5. The register and receiver of the land office, directors of the penitentiary, directors of the benevolent institutions of the State, the State librarian, and all other officers not otherwise provided for in this constitution, in office on the first day of September, one thousand eight hundred and fifty-one, shall continue in office until their terms expire, respectively, unless the general assembly shall otherwise provide.

SEC. 6. The superior and commercial courts of Cincinnati, and the superior court of Cleveland shall remain, until otherwise provided by law, with their present powers and jurisdiction; and the judges and clerks of said courts, in office on the first day of September, one thousand eight hundred and fifty-one, shall continue in office until the expiration of their terms of office, respectively, or until otherwise provided by law; but neither of said courts shall continue after the second Monday of February, one thousand eight hundred and fifty-three; and no suit shall be commenced in said two first-mentioned courts after the second Monday of February, one thousand eight hundred and fifty-two, nor in said last-mentioned court after the second Monday in August, one thousand eight hundred and fifty-two; and all business in either of said courts not disposed of within the time limited for their continuance as aforesaid shall be transferred to the court of common pleas.

SEC. 7. All county and township officers and justices of the peace in office on the first day of September, one thousand eight hundred and fifty-one, shall continue in office until their terms expire, respectively.

SEC. 8. Vacancies in office occurring after the first day of September, one thousand eight hundred and fifty-one, shall be filled as is now prescribed by law, and until officers are elected or appointed, and qualified under this constitution.

SEC. 9. This constitution shall take effect on the first day of September, one thousand eight hundred and fifty-one.

SEC. 10. All officers shall continue in office until their successors shall be chosen and qualified.

SEC. 11. Suits pending in the supreme court in bank shall be transferred to the supreme court provided for in this constitution, and be proceeded in according to law.

SEC. 12. The district courts shall, in their respective counties, be the successors of the present supreme court; and all suits, prosecutions, judgments, records, and proceedings, pending and remaining in said supreme court, in the several counties of any district, shall be transferred to the respective district courts of such counties, and be proceeded in as though no change had been made in said supreme court.

SEC. 13. The said courts of common pleas shall be the successors of the present courts of common pleas in the several counties, except as to probate jurisdiction; and all suits, prosecutions, proceedings, records, and judgments pending or being in said last mentioned courts, except as aforesaid, shall be transferred to the courts of common pleas created by this constitution, and proceeded in as though the same had been therein instituted.

SEC. 14. The probate courts provided for in this constitution, as to all matters within the jurisdiction conferred upon said courts, shall be the successors, in the several counties, of the present courts of common pleas; and the records, files, and papers, business and proceedings appertaining to said jurisdiction, shall be transferred to said courts of probate, and be there proceeded in according to law.

SEC. 15. Until otherwise provided by law, elections for judges and clerks shall be held, and the poll books returned, as is provided for governor, and the abstract therefrom, certified to the secretary of state, shall be by him opened, in the presence of the governor, who shall declare the result, and issue commissions to the persons elected.

SEC. 16. Where two or more counties are joined in a senatorial, representative, or judicial district, the returns of elections shall be sent to the county having the largest population.

SEC. 17. The foregoing constitution shall be submitted to the electors of the State, at an election to be held on the third Tuesday of June, one thousand eight hundred and fifty-one, in the several election districts of this State. The ballots at such election shall be written or printed as follows: Those in favor of the constitution, "New constitution—Yes;" those against the constitution, "New constitution—No." The polls at said election shall be opened between the hours of eight and ten o'clock A. M., and closed at six o'clock P. M.; and the said election shall be conducted, and the returns thereof made and

certified to the secretary of state, as provided by law for annual elections of State and county officers. Within twenty days after such election the secretary of state shall open the returns thereof in the presence of the governor; and if it shall appear that a majority of all the votes cast at such election are in favor of the constitution, the governor shall issue his proclamation, stating that fact, and said constitution shall be the constitution of the State of Ohio, and not otherwise.

The result of this election, excluding the returns of two counties, Defiance and Auglaize, which were not received in the twenty days specified, was as follows:

"New constitution, Yes"	125,564
"New constitution, No"	109,276
Majority for new constitution	16,288

SEC. 18. At the time when the votes of the electors shall be taken for the adoption or rejection of this constitution, the additional section, in the words following, to wit: "No license to traffic in intoxicating liquors shall hereafter be granted in this State; but the general assembly may, by law, provide against evils resulting therefrom," shall be separately submitted to the electors for adoption or rejection, in form following, to wit: A separate ballot may be given by every elector, and deposited in a separate box. Upon the ballots given for said separate amendment shall be written or printed, or partly written and partly printed, the words: "License to sell intoxicating liquors—Yes;" and upon the ballots given against said amendment, in like manner, the words: "License to sell intoxicating liquors—No." If, at the said election, a majority of all the votes given for and against said amendment shall contain the words: "License to sell intoxicating liquors—No," then the said amendment shall be a separate section of article fifteen of the constitution.

This election resulted:

"License to sell intoxicating liquors, No"	113,237
"License to sell intoxicating liquors, Yes"	104,255
Majority against license	8,982

SEC. 19. The apportionment of the house of representatives during the first decennial period under this constitution shall be as follows:

The counties of Adams, Allen, Athens, Auglaize, Carroll,

Champaign, Clarke, Clinton, Crawford, Darke, Delaware, Erie, Fayette, Gallia, Geauga, Greene, Hancock, Harrison, Hocking, Holmes, Lake, Lawrence, Logan, Madison, Marion, Meigs, Morrow, Perry, Pickaway, Pike, Preble, Sandusky, Scioto, Shelby, and Union shall, severally, be entitled to one representative in each session of the decennial period.

The counties of Franklin, Licking, Montgomery, and Stark shall each be entitled to two representatives in each session of the decennial period.

The counties of Ashland, Coshocton, Highland, Huron, Lorain, Mahoning, Medina, Miami, Portage, Seneca, Summit, and Warren shall, severally, be entitled to one representative in each session; and one additional representative in the fifth session of the decennial period.

The counties of Ashtabula, Brown, Butler, Clermont, Fairfield, Guernsey, Jefferson, Knox, Monroe, Morgan, Richland, Trumbull, Tuscarawas, and Washington shall, severally, be entitled to one representative in each session; and two additional representatives, one in the third and one in the fourth session of the decennial period.

The counties of Belmont, Columbiana, Ross, and Wayne shall, severally, be entitled to one representative in each session; and three additional representatives, one in the first, one in the second, and one in the third session of the decennial period.

The county of Muskingum shall be entitled to two representatives in each session; and one additional representative in the fifth session of the decennial period.

The county of Cuyahoga shall be entitled to two representatives in each session; and two additional representatives, one in the third and one in the fourth session of the decennial period.

The county of Hamilton shall be entitled to seven representatives in each session; and four additional representatives, one in the first, one in the second, one in the third, and one in the fourth session of the decennial period.

The following counties, until they shall have acquired a sufficient population to entitle them to elect, separately, under the fourth section of the eleventh article, shall form districts in manner following, to wit: The counties of Jackson and Vinton, one district; the counties of Lucas and Fulton, one district; the counties of Wyandot and Hardin, one district; the counties of Mercer and Van Wert, one district; the counties of Paulding, Defiance, and Williams, one district; the counties of Putnam and Henry, one district; and the counties of Wood

and Ottawa, one district ; each of which districts shall be entitled to one representative in every session of the decennial period.

Done in convention, at Cincinnati, the tenth day of March, in the year of our Lord one thousand eight hundred and fifty-one, and of the Independence of the United States the seventy-fifth.

WILLIAM MEDILL, *President.*

WM. H. GILL, *Secretary.*

Ohio was admitted into the Union as a State in 1803. Its first constitution was framed by a convention which met at Chillicothe November 1, 1802, and completed its labors November 29, 1802. The present constitution was framed by a convention which assembled at Columbus May 6, 1850, adjourned July 7, on account of the cholera, to reassemble at Cincinnati December 2, and completed its labors March 10, 1851. This revised constitution was ratified by the people June 17, 1851. There is a full *Report of the Debates and Proceedings of the Convention for the Revision of the Constitution of the State of Ohio*, in two volumes. This Report contains the Ordinance of 1787, the constitution of 1802, and the new constitution. The constitution is regularly printed, with many valuable Ohio statistics, in the annual report of the secretary of state to the governor, accompanied by many careful explanatory notes, references to debates and legal decisions under the various sections.

The present State of Ohio formed a part of the old Northwest Territory. For the history of that Territory, see the notes to Leaflet No. 13, "The Ordinance of 1787." There is an interesting popular history of Ohio by Alexander Black in the "Story of the States" series. The forthcoming volume on Ohio in the "American Commonwealths" series is by Rufus King. Mr. Black gives a list of the most important works for the student of Ohio history. Hildreth's *Pioneer History* gives the best account of the settlement of Marietta and the early years of Ohio; Howe's *Historical Collection* contains much of value; and the publications of the Western Reserve Historical Society illustrate very fully the history of the Western Reserve. The special student will consult Peter G. Thomson's *Bibliography of the State of Ohio*, which is the most thorough and complete work of its character which has been published in the country, containing upwards of fourteen hundred distinct titles, carefully classified, relating almost wholly to the history of the State.



Washington's "Legacy."

CIRCULAR LETTER ADDRESSED TO THE GOVERNORS OF ALL THE STATES
ON DISBANDING THE ARMY.

Head-Quarters, Newburg, 8 June, 1783.

SIR :

The great object, for which I had the honor to hold an appointment in the service of my country, being accomplished, I am now preparing to resign it into the hands of Congress, and to return to that domestic retirement, which, it is well known, I left with the greatest reluctance; a retirement for which I have never ceased to sigh, through a long and painful absence, and in which (remote from the noise and trouble of the world) I meditate to pass the remainder of life, in a state of undisturbed repose. But before I carry this resolution into effect, I think it a duty incumbent on me to make this my last official communication; to congratulate you on the glorious events which Heaven has been pleased to produce in our favor; to offer my sentiments respecting some important subjects, which appear to me to be intimately connected with the tranquillity of the United States; to take my leave of your Excellency as a public character; and to give my final blessing to that country, in whose service I have spent the prime of my life, for whose sake I have consumed so many anxious days and watchful nights, and whose happiness, being extremely dear to me, will always constitute no inconsiderable part of my own.

Impressed with the liveliest sensibility on this pleasing occasion, I will claim the indulgence of dilating the more copiously on the subjects of our mutual felicitation. When we consider the magnitude of the prize we contended for, the doubtful nature of the contest, and the favorable manner in which it has terminated, we shall find the greatest possible reason for gratitude and rejoicing. This is a theme that will

afford infinite delight to every benevolent and liberal mind, whether the event in contemplation be considered as the source of present enjoyment or the parent of future happiness ; and we shall have equal occasion to felicitate ourselves on the lot which Providence has assigned us, whether we view it in a natural, a political, or moral point of light.

The citizens of America, placed in the most enviable condition, as the sole lords and proprietors of a vast tract of continent, comprehending all the various soils and climates of the world, and abounding with all the necessities and conveniences of life, are now, by the late satisfactory pacification, acknowledged to be possessed of absolute freedom and independency. They are, from this period, to be considered as the actors on a most conspicuous theatre, which seems to be peculiarly designated by Providence for the display of human greatness and felicity. Here they are not only surrounded with every thing, which can contribute to the completion of private and domestic enjoyment ; but Heaven has crowned all its other blessings, by giving a fairer opportunity for political happiness, than any other nation has ever been favored with. Nothing can illustrate these observations more forcibly, than a recollection of the happy conjuncture of times and circumstances, under which our republic assumed its rank among the nations. The foundation of our empire was not laid in the gloomy age of ignorance and superstition ; but at an epocha when the rights of mankind were better understood and more clearly defined, than at any former period. The researches of the human mind after social happiness have been carried to a great extent ; the treasures of knowledge, acquired by the labors of philosophers, sages, and legislators, through a long succession of years, are laid open for our use, and their collected wisdom may be happily applied in the establishment of our forms of government. The free cultivation of letters, the unbounded extension of commerce, the progressive refinement of manners, the growing liberality of sentiment, and, above all, the pure and benign light of Revelation, have had a meliorating influence on mankind and increased the blessings of society. At this auspicious period, the United States came into existence as a nation ; and, if their citizens should not be completely free and happy, the fault will be entirely their own.

Such is our situation, and such are our prospects ; but, notwithstanding the cup of blessing is thus reached out to us ; notwithstanding happiness is ours, if we have a disposition to seize the occasion and make it our own ; yet it appears to me

there is an option still left to the United States of America, that it is in their choice, and depends upon their conduct, whether they will be respectable and prosperous, or contemptible and miserable, as a nation. This is the time of their political probation; this is the moment when the eyes of the whole world are turned upon them; this is the moment to establish or ruin their national character for ever; this is the favorable moment to give such a tone to our federal government, as will enable it to answer the ends of its institution, or this may be the ill-fated moment for relaxing the powers of the Union, annihilating the cement of the confederation, and exposing us to become the sport of European politics, which may play one State against another, to prevent their growing importance, and to serve their own interested purposes. For, according to the system of policy the States shall adopt at this moment, they will stand or fall; and by their confirmation or lapse it is yet to be decided, whether the revolution must ultimately be considered as a blessing or a curse; a blessing or a curse, not to the present age alone, for with our fate will the destiny of unborn millions be involved.

With this conviction of the importance of the present crisis, silence in me would be a crime. I will therefore speak to your Excellency the language of freedom and of sincerity without disguise. I am aware, however, that those who differ from me in political sentiment, may perhaps remark, that I am stepping out of the proper line of my duty, and may possibly ascribe to arrogance or ostentation, what I know is alone the result of the purest intention. But the rectitude of my own heart, which disdains such unworthy motives; the part I have hitherto acted in life; the determination I have formed, of not taking any share in public business hereafter; the ardent desire I feel, and shall continue to manifest, of quietly enjoying, in private life, after all the toils of war, the benefits of a wise and liberal government, will, I flatter myself, sooner or later convince my countrymen, that I could have no sinister views in delivering, with so little reserve, the opinions contained in this address.

There are four things, which, I humbly conceive, are essential to the well-being, I may even venture to say, to the existence of the United States, as an independent power.

First. An indissoluble union of the States under one federal head.

Second. A sacred regard to public justice.

Third. The adoption of a proper peace establishment; and,

Fourth. The prevalence of that pacific and friendly disposition among the people of the United States, which will induce them to forget their local prejudices and policies; to make those mutual concessions, which are requisite to the general prosperity; and, in some instances, to sacrifice their individual advantages to the interest of the community.

These are the pillars on which the glorious fabric of our independency and national character must be supported. Liberty is the basis; and whoever would dare to sap the foundation, or overturn the structure, under whatever specious pretext he may attempt it, will merit the bitterest execration, and the severest punishment, which can be inflicted by his injured country.

On the three first articles I will make a few observations, leaving the last to the good sense and serious consideration of those immediately concerned.

Under the first head, although it may not be necessary or proper for me, in this place, to enter into a particular disquisition on the principles of the Union, and to take up the great question which has been frequently agitated, whether it be expedient and requisite for the States to delegate a larger proportion of power to Congress, or not; yet it will be a part of my duty, and that of every true patriot, to assert without reserve, and to insist upon, the following positions. That, unless the States will suffer Congress to exercise those prerogatives they are undoubtedly invested with by the constitution, every thing must very rapidly tend to anarchy and confusion. That it is indispensable to the happiness of the individual States, that there should be lodged somewhere a supreme power to regulate and govern the general concerns of the confederated republic, without which the Union cannot be of long duration. That there must be a faithful and pointed compliance, on the part of every State, with the late proposals and demands of Congress, or the most fatal consequences will ensue. That whatever measures have a tendency to dissolve the Union, or contribute to violate or lessen the sovereign authority, ought to be considered as hostile to the liberty and independency of America, and the authors of them treated accordingly. And lastly, that unless we can be enabled, by the concurrence of the States, to participate of the fruits of the revolution, and enjoy the essential benefits of civil society, under a form of government so free and uncorrupted, so hap-

pily guarded against the danger of oppression, as has been devised and adopted by the articles of confederation, it will be a subject of regret, that so much blood and treasure have been lavished for no purpose, that so many sufferings have been encountered without a compensation, and that so many sacrifices have been made in vain.

Many other considerations might here be adduced to prove, that, without an entire conformity to the spirit of the Union, we cannot exist as an independent power. It will be sufficient for my purpose to mention but one or two, which seem to me of the greatest importance. It is only in our united character, as an empire, that our independence is acknowledged, that our power can be regarded, or our credit supported, among foreign nations. The treaties of the European powers with the United States of America will have no validity on a dissolution of the Union. We shall be left nearly in a state of nature; or we may find, by our own unhappy experience, that there is a natural and necessary progression from the extreme of anarchy to the extreme of tyranny, and that arbitrary power is most easily established on the ruins of liberty, abused to licentiousness.

As to the second article, which respects the performance of public justice, Congress have, in their late address to the United States, almost exhausted the subject; they have explained their ideas so fully, and have enforced the obligations the States are under, to render complete justice to all the public creditors, with so much dignity and energy, that, in my opinion, no real friend of the honor and independency of America can hesitate a single moment, respecting the propriety of complying with the just and honorable measures proposed. If their arguments do not produce conviction, I know of nothing that will have greater influence; especially when we recollect, that the system referred to, being the result of the collected wisdom of the continent, must be esteemed, if not perfect, certainly the least objectionable of any that could be devised; and that, if it shall not be carried into immediate execution, a national bankruptcy, with all its deplorable consequences, will take place, before any different plan can possibly be proposed and adopted. So pressing are the present circumstances, and such is the alternative now offered to the States.

The ability of the country to discharge the debts, which have been incurred in its defence, is not to be doubted; an inclination, I flatter myself, will not be wanting. The path of our duty is plain before us; honesty will be found, on every

experiment, to be the best and only true policy. Let us then, as a nation, be just; let us fulfil the public contracts, which Congress had undoubtedly a right to make for the purpose of carrying on the war, with the same good faith we suppose ourselves bound to perform our private engagements. In the mean time, let an attention to the cheerful performance of their proper business, as individuals and as members of society, be earnestly inculcated on the citizens of America; then will they strengthen the hands of government, and be happy under its protection; every one will reap the fruit of his labors, every one will enjoy his own acquisitions, without molestation and without danger.

In this state of absolute freedom and perfect security, who will grudge to yield a very little of his property to support the common interest of society, and insure the protection of government? Who does not remember the frequent declarations, at the commencement of the war, that we should be completely satisfied, if, at the expense of one half, we could defend the remainder of our possessions? Where is the man to be found, who wishes to remain indebted for the defence of his own person and property to the exertions, the bravery, and the blood of others, without making one generous effort to repay the debt of honor and of gratitude? In what part of the continent shall we find any man, or body of men, who would not blush to stand up and propose measures, purposely calculated to rob the soldier of his stipend, and the public creditor of his due? And were it possible, that such a flagrant instance of injustice could ever happen, would it not excite the general indignation, and tend to bring down upon the authors of such measures the aggravated vengeance of Heaven? If, after all, a spirit of disunion, or a temper of obstinacy and perverseness should manifest itself in any of the States; if such an ungracious disposition should attempt to frustrate all the happy effects that might be expected to flow from the Union; if there should be a refusal to comply with the requisitions for funds to discharge the annual interest of the public debts; and if that refusal should revive again all those jealousies, and produce all those evils, which are now happily removed, Congress, who have, in all their transactions, shown a great degree of magnanimity and justice, will stand justified in the sight of God and man; and that State alone, which puts itself in opposition to the aggregate wisdom of the continent, and follows such mistaken and pernicious counsels, will be responsible for all the consequences.

For my own part, conscious of having acted, while a servant of the public, in the manner I conceived best suited to promote the real interests of my country; having, in consequence of my fixed belief, in some measure pledged myself to the army, that their country would finally do them complete and ample justice; and not wishing to conceal any instance of my official conduct from the eyes of the world, I have thought proper to transmit to your Excellency the enclosed collection of papers, relative to the half-pay and commutation granted by Congress to the officers of the army. From these communications, my decided sentiments will be clearly comprehended, together with the conclusive reasons which induced me, at an early period, to recommend the adoption of the measure, in the most earnest and serious manner. As the proceedings of Congress, the army, and myself, are open to all, and contain, in my opinion, sufficient information to remove the prejudices and errors, which may have been entertained by any, I think it unnecessary to say any thing more than just to observe, that the resolutions of Congress, now alluded to, are undoubtedly as absolutely binding upon the United States, as the most solemn acts of confederation or legislation.

As to the idea, which, I am informed, has in some instances prevailed, that the half-pay and commutation are to be regarded merely in the odious light of a pension, it ought to be exploded for ever. That provision should be viewed, as it really was, a reasonable compensation offered by Congress, at a time when they had nothing else to give to the officers of the army for services then to be performed. It was the only means to prevent a total dereliction of the service. It was a part of their hire. I may be allowed to say, it was the price of their blood, and of your independency; it is therefore more than a common debt, it is a debt of honor; it can never be considered as a pension or gratuity, nor be cancelled until it is fairly discharged.

With regard to a distinction between officers and soldiers, it is sufficient that the uniform experience of every nation of the world, combined with our own, proves the utility and propriety of the discrimination. Rewards, in proportion to the aids which the public derives from them, are unquestionably due to all its servants. In some lines, the soldiers have perhaps generally had as ample compensation for their services, by the large bounties which have been paid to them, as their officers will receive in the proposed commutation; in others, if, besides the donation of lands, the payment of arrearages of clothing and wages (in which articles all the component parts,

of the army must be put upon the same footing), we take into the estimate the bounties many of the soldiers have received, and the gratuity of one year's full pay, which is promised to all, possibly their situation (every circumstance being duly considered) will not be deemed less eligible than that of the officers. Should a further reward, however, be judged equitable, I will venture to assert, no one will enjoy greater satisfaction than myself, on seeing an exemption from taxes for a limited time, (which has been petitioned for in some instances,) or any other adequate immunity or compensation granted to the brave defenders of their country's cause; but neither the adoption nor rejection of this proposition will in any manner affect, much less militate against, the act of Congress, by which they have offered five years' full pay, in lieu of the half-pay for life, which had been before promised to the officers of the army.

Before I conclude the subject of public justice, I cannot omit to mention the obligations this country is under to that meritorious class of veteran non-commissioned officers and privates, who have been discharged for inability, in consequence of the resolution of Congress of the 23d of April, 1782, on an annual pension for life. Their peculiar sufferings, their singular merits, and claims to that provision, need only be known, to interest all the feelings of humanity in their behalf. Nothing but a punctual payment of their annual allowance can rescue them from the most complicated misery; and nothing could be a more melancholy and distressing sight, than to behold those, who have shed their blood or lost their limbs in the service of their country, without a shelter, without a friend, and without the means of obtaining any of the necessities or comforts of life, compelled to beg their daily bread from door to door. Suffer me to recommend those of this description, belonging to your State, to the warmest patronage of your Excellency and your legislature.

It is necessary to say but a few words on the third topic which was proposed, and which regards particularly the defence of the republic; as there can be little doubt that Congress will recommend a proper peace establishment for the United States, in which a due attention will be paid to the importance of placing the militia of the Union upon a regular and respectable footing. If this should be the case, I would beg leave to urge the great advantage of it in the strongest terms. The militia of this country must be considered as the palladium of our security, and the first effectual resort in case of hostility. It is essential, therefore, that the same system should pervade

the whole ; that the formation and discipline of the militia of the continent should be absolutely uniform, and that the same species of arms, accoutrements, and military apparatus, should be introduced in every part of the United States. No one, who has not learned it from experience, can conceive the difficulty, expense, and confusion, which result from a contrary system, or the vague arrangements which have hitherto prevailed.

If, in treating of political points, a greater latitude than usual has been taken in the course of this address, the importance of the crisis, and the magnitude of the objects in discussion, must be my apology. It is, however, neither my wish nor expectation, that the preceding observations should claim any regard, except so far as they shall appear to be dictated by a good intention, consonant to the immutable rules of justice, calculated to produce a liberal system of policy, and founded on whatever experience may have been acquired by a long and close attention to public business. Here I might speak with the more confidence, from my actual observations; and, if it would not swell this letter (already too prolix) beyond the bounds I had prescribed to myself, I could demonstrate, to every mind open to conviction, that in less time, and with much less expense, than has been incurred, the war might have been brought to the same happy conclusion, if the resources of the continent could have been properly drawn forth; that the distresses and disappointments, which have very often occurred, have, in too many instances, resulted more from a want of energy in the Continental government, than a deficiency of means in the particular States; that the inefficacy of measures arising from the want of an adequate authority in the supreme power, from a partial compliance with the requisitions of Congress in some of the States, and from a failure of punctuality in others, while it tended to damp the zeal of those, who were more willing to exert themselves, served also to accumulate the expenses of the war, and to frustrate the best concerted plans; and that the discouragement occasioned by the complicated difficulties and embarrassments, in which our affairs were by this means involved, would have long ago produced the dissolution of any army, less patient, less virtuous, and less persevering, than that which I have had the honor to command. But, while I mention these things, which are notorious facts, as the defects of our federal constitution, particularly in the prosecution of a war, I beg it may be understood, that, as I have ever taken a pleasure in gratefully acknowledging the assistance and support I have derived from every class of citizens, so shall I always be

happy to do justice to the unparalleled exertions of the individual States on many interesting occasions.

I have thus freely disclosed what I wished to make known, before I surrendered up my public trust to those who committed it to me. The task is now accomplished. I now bid adieu to your Excellency as the chief magistrate of your State, at the same time I bid a last farewell to the cares of office, and all the employments of public life.

It remains, then, to be my final and only request, that your Excellency will communicate these sentiments to your legislature at their next meeting, and that they may be considered as the legacy of one, who has ardently wished, on all occasions, to be useful to his country, and who, even in the shade of retirement, will not fail to implore the Divine benediction upon it.

I now make it my earnest prayer, that God would have you, and the State over which you preside, in his holy protection; that he would incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; to entertain a brotherly affection and love for one another, for their fellow citizens of the United States at large, and particularly for their brethren who have served in the field; and finally, that he would most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind, which were the characteristics of the Divine Author of our blessed religion, and without an humble imitation of whose example in these things, we can never hope to be a happy nation.

I have the honor to be, with much esteem and respect, Sir, your Excellency's most obedient and most humble servant.

GEORGE WASHINGTON.

Washington's Circular Letter addressed to the Governors of all the States on disbanding the Army was felt by him to be so important that, supposing himself at the time to be finally retiring from public life, he spoke of it as his legacy—"the legacy of one who has ardently wished, on all occasions, to be useful to his country, and who, even in the shade of retirement, will not fail to implore the Divine benediction upon it." The feelings with which it was written, as well as its own contents and character, naturally prompt a comparison of it with the Farewell Address of 1796. The occasion of the letter was a much more critical occasion than that of the Farewell Address. It was the time, as Washington well said, of the "political probation" of the American people. "This is the moment," he said, "when the eyes of the whole world are turned upon them; this is the moment to establish or ruin their national character forever. . . . With this conviction of the importance of the present crisis, silence in me would be a

crime." He then proceeds to the discussion of those things which he considered essential to the well-being and to the existence of the United States as an independent power. The effect of the letter upon the country, in the disordered condition of the time, was important. The legislatures that were then in session passed resolves in honor of the Commander-in-chief; and the Governors of the States wrote letters expressing the public gratitude for his great services.

For the conditions under which this address appeared, see Irving's *Life of Washington*, iv, 426. For an account of the discontents in the Army just previous, which for a time threatened such serious dangers, see Irving, iv, 406, Marshall, iv, 585, and Sparks, viii, appendix xii, on "The Newburg Addresses." See in this general connection Washington's letters to the President of Congress, March 19 and April 18, 1783, to Benjamin Harrison, Governor of Virginia, March 18, 1783, to Lafayette, April 5, 1783, and his Farewell Address to the Armies, Nov. 2, 1783 (Sparks viii, 396, 403, 411, 421, 491). Washington's deep sense of the obligations of the country to the officers and soldiers of the Army, which finds such strong expression in this circular letter, may be further studied in the *Life, Journals and Correspondence of Rev. Manasseh Cutler*, vol. i, chap. iv, in Cone's *Life of General Rufus Putnam*, and in the *St. Clair Papers*.



Washington's Letter to Benjamin Harrison,

GOV. OF VA.,

ON THE OPENING OF COMMUNICATION WITH THE WEST.

Mount Vernon, 10 October, 1784.

DEAR SIR:

Upon my return from the western country a few days ago, I had the pleasure to receive your favor of the 17th ultimo. It has always been my intention to pay my respects to you, before the chance of another early and hard winter should make a warm fireside too comfortable to be relinquished. And I shall feel an additional pleasure in offering this tribute of friendship and respect to you, by having the company of the Marquis de Lafayette, when he shall have revisited this place from his eastern tour, now every day to be expected.

I shall take the liberty now, my dear Sir, to suggest a matter, which would (if I am not too short-sighted a politician) mark your administration as an important era in the annals of this country, if it should be recommended by you and adopted by the Assembly.

It has long been my decided opinion, that the shortest, easiest, and least expensive communication with the invaluable and extensive country back of us would be by one or both of the rivers of this State, which have their sources in the Apalachian mountains. Nor am I singular in this opinion. Evans, in his Map and Analysis of the Middle Colonies, which, considering the early period at which they were given to the public, are done with amazing exactness, and Hutchins since, in his Topographical Description of the western country, a good part of which is from actual surveys, are decidedly of the same sentiments; as indeed are all others, who have had opportunities, and have been at the pains, to investigate and consider the subject.

But that this may not now stand as mere matter of opinion and assertion, unsupported by facts (such at least as the best maps now extant, compared with the oral testimony, which my opportunities in the course of the war have enabled me to obtain), I shall give you the different routes and distances from Detroit, by which all the trade of the northwestern parts of the united territory must pass; unless the Spaniards, contrary to their present policy, should engage part of it, or the British should attempt to force nature, by carrying the trade of the Upper Lakes by the River Utawas into Canada, which I scarcely think they will or could effect. Taking Detroit then (which is putting ourselves in as unfavorable a point of view as we can be well placed in, because it is upon the line of the British territory) as a point by which, as I have already observed, all that part of the trade must come, it appears from the statement enclosed, that the tide waters of this State are nearer to it by one hundred and sixty-eight miles, than those of the River St. Lawrence; or than those of the Hudson at Albany, by one hundred and seventy-six miles.

Maryland stands upon similar ground with Virginia. Pennsylvania, although the Susquehanna is an unfriendly water, much impeded, it is said, with rocks and rapids, and nowhere communicating with those, which lead to her capital, has it in contemplation to open a communication between Toby's Creek, which empties into the Allegany River ninety-five miles above Fort Pitt, and the west branch of the Susquehanna, and to cut a canal between the waters of the latter and the Schuylkill; the expense of which is easier to be conceived, than estimated or described by me. A people, however, who are possessed of the spirit of commerce, who see and who will pursue their advantages, may achieve almost any thing. In the mean time, under the uncertainty of these undertakings, they are smoothing the roads and paving the ways for the trade of that western world. That New York will do the same as soon as the British garrisons are removed, which are at present insurmountable obstacles in their way, no person, who knows the temper, genius, and policy of those people as well as I do, can harbour the smallest doubt.

Thus much with respect to rival States. Let me now take a short view of our own; and, being aware of the objections which are in the way, I will, in order to contrast them, enumerate them with the advantages.

The first and principal one is, the *unfortunate jealousy*, which ever has, and it is to be feared ever will prevail, lest one part of the State should obtain an advantage over the other

parts, as if the benefits of the trade were not diffusive and beneficial to all. Then follows a train of difficulties, namely, that our people are already heavily taxed; that we have no money; that the advantages of this trade are remote; that the most direct route for it is through other States, over which we have no control; that the routes over which we have control are as distant as either of those which lead to Philadelphia, Albany, or Montreal; that a sufficient spirit of commerce does not pervade the citizens of this commonwealth; and that we are in fact doing for others, what they ought to do for themselves.

Without going into the investigation of a question, which has employed the pens of able politicians, namely, whether trade with foreigners is an advantage or disadvantage to a country, this State, as a part of the confederated States, all of which have the spirit of it very strongly working within them, must adopt it, or submit to the evils arising therefrom without receiving its benefits. Common policy, therefore, points clearly and strongly to the propriety of our enjoying all the advantages, which nature and our local situation afford us; and evinces clearly, that, unless this spirit could be totally eradicated in other States as well as in this, and every man be made to become either a cultivator of the land or a manufacturer of such articles as are prompted by necessity, such stimulus should be employed as will *force* this spirit, by showing to our countrymen the superior advantages we possess beyond others, and the importance of being upon an equal footing with our neighbours.

If this is fair reasoning, it ought to follow as a consequence, that we should do our part towards opening the communication for the fur and peltry trade of the Lakes, and for the produce of the country which lies within, and which will, so soon as matters are settled with the Indians, and the terms on which Congress mean to dispose of the land, found to be favorable, are announced, be settled faster than any other ever was, or any one would imagine. This, then, when considered in an interested point of view, is alone sufficient to excite our endeavours. But in my opinion there is a political consideration for so doing, which is of still greater importance.

I need not remark to you, Sir, that the flanks and rear of the United States are possessed by other powers, and formidable ones too; nor how necessary it is to apply the cement of interest to bind all parts of the Union together by indissoluble bonds, especially that part of it, which lies immediately west of us, with the middle States. For what ties, let me ask, should we have upon those people? How entirely unconnected with them shall we be, and what troubles may we not apprehend, if

the Spaniards on their right, and Great Britain on their left, instead of throwing stumbling-blocks in their way, as they now do, should hold out lures for their trade and alliance? What, when they get strength, which will be sooner than most people conceive (from the emigration of foreigners, who will have no particular predilection towards us, as well as from the removal of our own citizens), will be the consequence of their having formed close connexions with both or either of those powers, in a commercial way? It needs not, in my opinion, the gift of prophecy to foretell.

The western States (I speak now from my own observation) stand as it were upon a pivot. The touch of a feather would turn them any way. They have looked down the Mississippi, until the Spaniards, very impolitically I think for themselves, threw difficulties in their way; and they looked that way for no other reason, than because they could glide gently down the stream; without considering, perhaps, the difficulties of the voyage back again, and the time necessary to perform it in; and because they have no other means of coming to us but by long land transportations and unimproved roads. These causes have hitherto checked the industry of the present settlers; for, except the demand for provisions, occasioned by the increase of population, and a little flour, which the necessities of the Spaniards compel them to buy, they have no incitements to labor. But smooth the road, and make easy the way for them, and then see what an influx of articles will be poured upon us; how amazingly our exports will be increased by them, and how amply we shall be compensated for any trouble and expense we may encounter to effect it.

A combination of circumstances makes the present conjuncture more favorable for Virginia, than for any other State in the Union, to fix these matters. The jealous and untoward disposition of the Spaniards on one hand, and the private views of some individuals, coinciding with the general policy of the court of Great Britain, on the other, to retain as long as possible the posts of Detroit, Niagara, and Oswego, (which, though done under the letter of the treaty, is certainly an infraction of the spirit of it, and injurious to the Union,) may be improved to the greatest advantage by this State, if she would open the avenues to the trade of that country, and embrace the present moment to establish it. It only wants a beginning. The western inhabitants would do their part towards its execution. Weak as they are, they would meet us at least half way, rather than be driven into the arms of foreigners, or be made dependent upon them; which would eventually either bring on a separa-

tion of them from us, or a war between the United States and one or the other of those powers, most probably with the Spaniards.

The preliminary steps to the attainment of this great object would be attended with very little expense, and might, at the same time that it served to attract the attention of the western country, and convince the wavering inhabitants of our disposition to connect ourselves with them, and facilitate their commerce with us, be a means of removing those jealousies, which otherwise might take place among ourselves.

These, in my opinion, are, to appoint commissioners, who, from their situation, integrity, and abilities, can be under no suspicion of prejudice, or predilection to one part more than to another. Let these commissioners make an actual survey of James River and the Potomac from tide-water to their respective sources; note with great accuracy the kind of navigation and the obstructions, the difficulty and expense attending the removal of these obstructions, the distances from place to place through their whole extent, and the nearest and best portage between these waters and the streams capable of improvement, which run into the Ohio; traverse these in like manner to their junction with the Ohio, and with equal accuracy. The navigation of the Ohio being well known, they will have less to do in the examination of it; but, nevertheless, let the courses and distances be taken to the mouth of the Muskingum, and up that river (notwithstanding it is in the ceded lands) to the carrying-place to the Cayahoga; down the Cayahoga to Lake Erie; and thence to Detroit. Let them do the same with Big Beaver Creek, although part of it is in the State of Pennsylvania; and also with the Scioto. In a word, let the waters east and west of the Ohio, which invite our notice by their proximity, and by the ease with which land transportation may be had between them and the Lakes on one side, and the Rivers Potomac and James on the other, be explored, accurately delineated, and a correct and connected map of the whole be presented to the public. These things being done, I shall be mistaken if prejudice does not yield to facts, jealousy to candor, and, finally, if reason and nature, thus aided, do not dictate what is right and proper to be done.

In the mean while, if it should be thought that the lapse of time, which is necessary to effect this work, may be attended with injurious consequences, could not there be a sum of money granted towards opening the best, or, if it should be deemed more eligible, two of the nearest communications (one to the northward and another to the southward) with the settlements

to the westward; and an act be passed, if there should not appear a manifest disposition in the Assembly to make it a public undertaking, to incorporate and encourage private adventurers, if any should associate and solicit the same, for the purpose of extending the navigation of the Potomac or James River; and, in the former case, to request the concurrence of Maryland in the measure? It will appear from my statement of the different routes (and, as far as my means of information have extended, I have done it with the utmost candor), that all the produce of the settlements about Fort Pitt can be brought to Alexandria by the Youghiogany in three hundred and four miles, whereof only thirty-one are land transportation; and by the Monongahela and Cheat Rivers in three hundred and sixty miles, twenty of which only are land carriage. Whereas the common road from Fort Pitt to Philadelphia is three hundred and twenty miles, all land transportation; or four hundred and seventy-six miles, if the Ohio, Toby's Creek, Susquehanna, and Schuylkill are made use of for this purpose. How much of this is by land, I know not; but, from the nature of the country, it must be very considerable. How much the interest and feelings of people thus circumstanced would be engaged to promote it, requires no illustration.

For my own part, I think it highly probable, that, upon the strictest scrutiny, if the Falls of the Great Kenhawa can be made navigable, or a short portage be had there, it will be found of equal importance and convenience to improve the navigation of both the James and Potomac. The latter, I am fully persuaded, affords the nearest communication with the Lakes; but James River may be more convenient for all the settlers below the mouth of the Great Kenhawa, and for some distance perhaps above and west of it; for I have no expectation, that any part of the trade above the Falls of the Ohio will go down that river and the Mississippi, much less that the returns will ever come up them, unless our want of foresight and good management is the occasion of it. Or, upon trial, if it should be found that these rivers, from the before-mentioned Falls, will admit the descent of sea-vessels, in that case, and the navigation of the former becoming free, it is probable that both vessels and cargoes will be carried to foreign markets and sold; but the returns for them will never in the natural course of things ascend the long and rapid current of that river, which with the Ohio to the Falls, in their meanderings, is little if any short of two thousand miles. Upon the whole, the object in my estimation is of vast commercial and political importance. In this light I think posterity will consider it, and regret, if our conduct

should give them cause, that the present favorable moment to secure so great a blessing for them was neglected.

One thing more remains, which I had like to have forgotten, and that is, the supposed difficulty of obtaining a passage through the State of Pennsylvania. How an application to its legislature would be relished, in the first instance, I will not undertake to decide; but of one thing I am almost certain, such an application would place that body in a very delicate situation. There are in the State of Pennsylvania at least one hundred thousand souls west of the Laurel Hill, who are groaning under the inconveniences of a long land transportation. They are wishing, indeed they are looking, for the improvement and extension of inland navigation; and, if this cannot be made easy for them to Philadelphia (at any rate it must be long), they will seek a mart elsewhere; the consequence of which would be, that the State, though contrary to the interests of its sea-ports, must submit to the loss of so much of its trade, or hazard not only the loss of the trade but the loss of the settlement also; for an opposition on the part of government to the extension of water transportation, so consonant with the essential interests of a large body of people, or any extraordinary impositions upon the exports or imports to or from another State, would ultimately bring on a separation between its eastern and western settlements; towards which there is not wanting a disposition at this moment in that part of it beyond the mountains. I consider Rumsey's discovery for working boats against the stream, by mechanical powers principally, as not only a very fortunate invention for these States in general, but as one of those circumstances, which have combined to render the present time favorable above all others for fixing, if we are disposed to avail ourselves of them, a large portion of the trade of the western country in the bosom of this State irrevocably.

Long as this letter is, I intended to have written a fuller and more digested one, upon this important subject; but have met with so many interruptions since my return home, as almost to have precluded my writing at all. What I now give is crude; but if you are in sentiment with me, I have said enough; if there is not an accordance of opinion, I have said too much; and all I pray in the latter case is, that you will do me the justice to believe my motives are pure, however erroneous my judgment may be in this matter, and that I am, with the most perfect esteem and friendship,

Dear Sir, yours, &c.

GEORGE WASHINGTON.

WASHINGTON'S LETTER TO THE CHEVALIER
DE CHASTELLUX.

Princeton, 12 October, 1783.

MY DEAR CHEVALIER :

I have not had the honor of a line from you since the 4th of March last ; but I will ascribe my disappointment to any cause, rather than to a decay of your friendship.

Having the appearance, and indeed the enjoyment of peace, without a final declaration of it, I, who am only waiting for the ceremonies, or till the British forces shall have taken leave of New York, am placed in an awkward and disagreeable situation, it being my anxious desire to quit the walks of public life, and to seek those enjoyments and that relaxation, which a mind, that has been constantly upon the stretch for more than eight years, stands so much in need of.

I have fixed this epoch at the arrival of the definitive treaty, or the evacuation of my country by our newly acquired friends. In the mean while, at the request of Congress I spend my time with them at this place, where they came in consequence of the riots at Philadelphia, of which you have doubtless (for it is not a very recent transaction) been fully apprized. They have lately determined to make a choice of some convenient spot near the Falls of the Delaware for the permanent residence of the sovereign power of these United States ; but where they will hold their sessions till they can be properly established at that place, is yet undecided.

I have lately made a tour through the Lakes George and Champlain, as far as Crown Point. Thence returning to Schenectady, I proceeded up the Mohawk River to Fort Schuyler (formerly Fort Stanwix), and crossed over to Wood Creek, which empties into the Oneida Lake, and affords the water communication with Ontario. I then traversed the country to the head of the eastern branch of the Susquehanna, and viewed the Lake Otsego, and the portage between that Lake and the Mohawk River at Canajoharie. Prompted by these actual observations, I could not help taking a more extensive view of the vast inland navigation of these United States, from maps and the information of others ; and could not but be struck with the immense extent and importance of it, and with the goodness of that Providence, which has dealt its favors to us with so profuse a hand. Would to God we may have wisdom enough to improve them. I shall not rest contented, till I have explored the western country, and traversed those lines, or great part of them, which have given bounds to a new empire. But when it may, if it ever shall, happen, I dare not say, as my first attention must be given to the deranged situation of my private concerns, which are not a little injured by almost nine years' absence and total disregard of them. With every wish for your health and happiness, and with the most sincere and affectionate regard, I am, my dear Chevalier, &c.

WASHINGTON'S LETTER TO THOMAS JEFFERSON.

Mount Vernon, 29 March, 1784.

DEAR SIR:

It was not in my power to answer your favor of the 15th by the last post, for the reason then assigned. I wish I may be able to do it to your satisfaction now, as I am again obliged to pay my attention to the other company, the Governor being gone.

My opinion coincides perfectly with yours respecting the practicability of an easy and short communication between the waters of the Ohio and Potomac, of the advantages of that communication and the preference it has over all others, and of the policy there would be in this State and Maryland to adopt and render it facile. But I confess to you freely, I have no expectation, that the public will adopt the measure; for, besides the jealousies which prevail, and the difficulty of proportioning such funds as may be allotted for the purposes you have mentioned, there are two others, which, in my opinion, will be yet harder to surmount. These are (if I have not imbibed too unfavorable an opinion of my countrymen) the impracticability of bringing the great and truly wise policy of the measure to their view, and the difficulty of extracting money from them for such a purpose, if it could be done; for it appears to me, maugre all the sufferings of the public creditors, breach of public faith, and loss of public reputation, that payment of the taxes, which are already laid, will be postponed as long as possible. How then are we to expect new ones for purposes more remote?

I am not so disinterested in this matter as you are; but I am made very happy to find that a man of discernment and liberality, who has no particular interest in the plan, thinks as I do, who have lands in that country, the value of which would be enhanced by the adoption of such a measure.

More than ten years ago I was struck with the importance of it; and, despairing of any aid from the public, I became a principal mover of a bill to empower a number of subscribers to undertake at their own expense, on conditions which were expressed, the extension of the navigation from tide water to Will's Creek, about one hundred and fifty miles; and I devoutly wish that this may not be the only expedient by which it can be effected now. To get this business in motion, I was obliged even upon that ground to comprehend James River, in order to remove the jealousies, which arose from the attempt to extend the navigation of the Potomac. The plan, however, was in a tolerably good train, when I set out for Cambridge in 1775, and would have been in an excellent way, had it not been for the difficulties, which were met with in the Maryland Assembly from the opposition which was given (according to report) by the Baltimore merchants, who were alarmed, and perhaps not without cause, at the consequence of water transportation to Georgetown of the produce, which usually came to their market by land.

The local interest of that place, joined to the short-sighted politics or contracted views of another part of that Assembly, gave Mr. Thomas Johnson, who was a warm promoter of the scheme on the north side of the Potomac, a great deal of trouble. In this situation I left matters when I took command of the army. The war afterwards called men's attention to different objects, and all the money they could or would raise was applied to other purposes. But with you I am satisfied that not a moment ought to be lost in recommencing this business, as I know the Yorkers will delay no time to remove every obstacle in the way of the other communication, so soon as the posts of Oswego and Niagara are surrendered; and I shall be mistaken if they do not build vessels for the navigation of the lakes, which will supersede the necessity of coasting on either side.

It appears to me, that the interest and policy of Maryland are proportionably concerned with those of Virginia, to remove obstructions, and to invite the trade of the western country into the channel you have mentioned. You will have frequent opportunities of learning the sentiments of the principal characters of that State, respecting this matter; and I wish, if it should fall in your way, that you would discourse with Mr. Thomas Johnson, formerly governor of Maryland, on this subject. How far, upon mature consideration, I may depart from the resolution I had formed, of living perfectly at my ease, exempt from every kind of responsibility, is more than I can at present absolutely determine. The sums granted, the manner of granting them, the powers and objects, would merit consideration. The trouble, if my situation at the time would permit me to engage in a work of this sort, would be set at naught; and the immense advantages, which this country would derive from the measure, would be no small stimulus to the undertaking, if that undertaking could be made to comport with those ideas, and that line of conduct, with which I meant to glide gently down the current of life, and it did not interfere with any other plan I might have in contemplation.

I am not less in sentiment with you, respecting the impolicy of this State's grasping at more territory than they are competent to the government of; and, for the reasons you assign, I very much approve of a meridian from the mouth of the Great Kenhawa as a convenient and very proper line of separation, but I am mistaken if our chief magistrate will coincide with us in this opinion.

I will not enter upon the subject of commerce. It has its advantages and disadvantages; but which of them preponderates, is not now the question. From trade our citizens will not be restrained, and therefore it behoves us to place it in the most convenient channels under proper regulations, freed as much as possible from those vices, which luxury, the consequence of wealth and power, naturally introduces.

The incertitude, which prevails in Congress, and the non-attendance of its members, are discouraging to those, who are willing and ready to discharge the trust, which is reposed in them; whilst it is disgraceful in a high degree to our country. But it is my belief, that the case will never be otherwise, so long as that body persist in their present mode of doing business, and will hold constant instead of

annual sessions ; against the former of which my mind furnishes me with a variety of arguments ; but not one, in times of peace, in favor of them.

Annual sessions would always produce a full representation, and alertness in business. The delegates, after a separation of eight or ten months, would meet each other with glad countenances. They would be complaisant ; they would yield to each other all, that duty to their constituents would allow ; and they would have better opportunities of becoming acquainted with their sentiments, and removing improper prejudices, when they are imbibed, by mixing with them during the recess. Men, who are always together, get tired of each other's company ; they throw off that restraint, which is necessary to keep things in proper tune ; they say and do things, which are personally disgusting ; this begets opposition ; opposition begets faction ; and so it goes on, till business is impeded, often at a stand. I am sure (having the business prepared by proper boards or a committee) an annual session of two months would despatch more business than is now done in twelve, and this by a full representation of the Union.

Long as this letter is, I intended to be more full on some of the points, and to touch on others ; but it is not in my power, as I am obliged to snatch from company the moments, which give you this hasty production of my thoughts on the subject of your letter. With very great esteem and regard, I am, &c.

WASHINGTON'S LETTER TO BENJAMIN HARRISON.

Mount Vernon, 22 January, 1785.

MY DEAR SIR :

It is not easy for me to decide by which my mind was most affected upon the receipt of your letter of the 6th instant, surprise or gratitude. Both were greater than I have words to express. The attention and good wishes, which the Assembly have evidenced by their act for vesting in me one hundred and fifty shares in the navigation of the rivers Potomac and James, are more than mere compliment. There is an unequivocal and substantial meaning annexed. But believe me, Sir, notwithstanding this, no circumstance has happened to me since I left the walks of public life, which has so much embarrassed me.

On the one hand, I consider this act, as I have already observed, as a noble and unequivocal proof of the good opinion, the affection, and disposition of my country to serve me ; and I should be hurt, if, by declining the acceptance of it, my refusal should be construed into disrespect or the smallest slight upon the generous intention of the country, or it should be thought that an ostentatious display of disinterestedness or public virtue was the source of refusal. On the other hand it is really my wish to have my mind, and my actions, which are the result of reflection, as free and independent as the air ; that I may be more at liberty (in things which my opportunities and experience have brought me to the knowledge of) to express my sen-

timents, and, if necessary, to suggest what may occur to me under the fullest conviction, that, although my judgment may be arraigned, there may be no suspicion that sinister motives had the smallest influence in the suggestion. Not content, then, with the bare consciousness of my having, in all this navigation on business, acted upon the clearest conviction of the political importance of the measure, I would wish that every individual, who may hear that it was a favorite plan of mine, may know also that I had no other motive for promoting it, than the advantage of which I conceived it would be productive to the Union, and to this State in particular, by cementing the eastern and western territory together, at the same time that it will give vigor and increase to our commerce, and be a convenience to our citizens.

How would this matter be viewed, then, by the eye of the world, and what would be the opinion of it, when it comes to be related, that George Washington has received twenty thousand dollars and five thousand pounds sterling of the public money as an interest therein? Would not this in the estimation of it (if I am entitled to any merit for the part I have acted, and without it there is no foundation for the act,) deprive me of the principal thing, which is laudable in my conduct? Would it not in some respects be considered in the same light as a pension? And would not the apprehension of this make me more reluctantly offer my sentiments in future? In a word, under whatever pretence, and however customarily these gratuitous gifts are made in other countries, should I not thenceforward be considered as a dependent? One moment's thought of which would give me more pain, than I should receive pleasure from the product of all the tolls, were every farthing of them vested in me; although I consider it as one of the most certain and increasing estates in the country.

I have written to you with an openness becoming our friendship. I could have said more on the subject; but I have already said enough to let you into the state of my mind. I wish to know whether the ideas I entertain occurred to, and were expressed by, any member in or out of the House. Upon the whole you may be assured, my dear Sir, that my mind is not a little agitated. I want the best information and advice to settle it. I have no inclination, as I have already observed, to avail myself of the generosity of the country; nor do I wish to appear ostentatiously disinterested (for more than probably my refusal would be ascribed to this motive), nor that the country should harbour an idea, that I am disposed to set little value on her favors, the manner of granting which is as flattering as the grant is important. My present difficulties, however, shall be no impediment to the progress of the undertaking. I will receive the full and frank opinions of my friends with thankfulness. I shall have time enough between the sitting of the next Assembly to consider the tendency of the act, and in this, as in all other matters, will endeavour to decide for the best. I am, my dear Sir, &c.

EXTRACT FROM WASHINGTON'S WILL.

After stating the manner in which he became possessed of one hundred shares in the Company established for the purpose of extending the navigation of James River, and of fifty shares in the Potomac Company, he adds:

"I proceed, after this recital, for the more correct understanding of the case, to declare, that, as it has always been a source of serious regret with me to see the youth of these United States sent to foreign countries for the purposes of education, often before their minds were formed, or they had imbibed any adequate ideas of the happiness of their own; contracting, too frequently, not only habits of dissipation and extravagance, but *principles unfriendly to republican government, and to the true and genuine liberties of mankind*, which thereafter are rarely overcome; for these reasons it has been my ardent wish to see a plan devised, on a liberal scale, which would have a tendency to spread systematic ideas through all parts of this rising empire, thereby to do away local attachments and State prejudices, as far as the nature of things would, or indeed ought to admit, from our national councils. Looking anxiously forward to the accomplishment of so desirable an object as this is (in my estimation), my mind has not been able to contemplate any plan more likely to effect the measure, than the establishment of a university in a central part of the United States, to which the youths of fortune and talents from all parts thereof might be sent for the completion of their education in all the branches of polite literature, in the arts and sciences, in acquiring knowledge in the principles of politics and good government; and, as a matter of infinite importance in my judgment, by associating with each other, and forming friendships in juvenile years, be enabled to free themselves in a proper degree from those local prejudices and habitual jealousies, which have just been mentioned, and which, when carried to excess, are never-failing sources of disquiet to the public mind, and pregnant with mischievous consequences to this country. Under these impressions, so fully dilated,

"I give and bequeath in perpetuity the fifty shares, which I hold in the Potomac Company (under the aforesaid acts of the legislature of Virginia), towards the endowment of a university to be established within the limits of the District of Columbia, under the auspices of the general government, if that government should incline to extend a fostering hand towards it; and until such seminary is established, and the funds arising on these shares shall be required for its support, my further will and desire is, that the profit accruing therefrom shall, whenever the dividends are made, be laid out in purchasing stock in the bank of Columbia, or some other bank, at the discretion of my executors, or by the treasurer of the United States for the time being, under the direction of Congress, provided that honorable body should patronize the measure; and the dividends proceeding from the purchase of such stock are to be invested in more stock, and so on until a sum adequate to the accomplishment of the object is obtained, of which I have not the smallest doubt before many years pass away, even if no aid or encouragement is given by legislative authority, or from any other source.

"The hundred shares, which I hold in the James River Company, I have given, and now confirm, in perpetuity, to and for the use and benefit of Liberty Hall Academy, in the county of Rockbridge, in the commonwealth of Virginia."

Washington's letter to Governor Harrison is here published as perhaps the best illustration of Washington's interest in the opening of the great West and as the document which may best serve as a basis for the study of

that important side of Washington's thought and service. Washington's interest in the western country began as early as 1749, when his brothers, Lawrence and Augustine Washington, became members, and Lawrence the chief manager, of the Ohio Company, formed in Virginia that year for the colonization of the Ohio country — the first scheme for the settlement of the West by Englishmen. See account of the Ohio Company in Sparks's edition of Washington's Writings, ii, 478. Washington's letter to Governor Dinwiddie, Oct. 17, 1753, with his remark that "a pusillanimous behavior would ill suit the times," and his *Journal of a Tour to the Ohio in 1753*, published in Williamsburg and London in 1754, after his visit to the French posts on the Alleghany (see Ford's edition of Washington's Writings, i, 9), show his early realization of the importance of the struggle between France and England for the possession of the great West. No other Virginian took so important active part in that struggle. At the close of the French war he received 5,000 acres on the Ohio, his claim as an officer for services in the war; and he possessed himself of other claims to a large extent, so that at one time he controlled over 60,000 acres on the Ohio. At the outbreak of the Revolution he was probably the largest owner of western lands in America. His advertisement in the *Maryland Journal and Baltimore Advertiser* of August 20, 1773, is an interesting indication of his efforts for the settlement of these lands. See the *Washington-Crawford Letters Concerning Western Lands*, edited by C. W. Butterfield. Crawford was the surveyor employed by Washington on the Ohio. These letters, says Professor Herbert B. Adams (see his paper on *Washington's Interest in Western Lands*, in the Johns Hopkins University Studies in History, third series, No. i), "throw a strong light upon the enterprising nature of that man who was, assuredly, 'first in peace,' and who, even if the Revolution had not broken out, would have become the most active and representative spirit in American affairs. Washington's plans for the colonization of his western lands, by importing Germans from the Palatinate, are but an index of the direction his business pursuits might have taken, had not duty called him to command the Army and afterwards to head the State." See Washington's letter to the Countess of Huntingdon, Feb. 27, 1785 (Sparks, ix, 98, — see also note to letter to Richard Henry Lee, p. 92), in relation to her scheme for missionary work among the Indians in the West, for reference to his possession of these Ohio lands at that time; also the schedule attached to his will. The Journal of his own tour to the Ohio in 1770, to inspect these lands, should be read for the impressions of the western country recorded in it.

In a letter to Thomas Johnson, the first state-governor of Maryland, dated July 20, 1770, Washington suggested that the opening up of the Potomac be "recommended to public notice upon a more enlarged plan, as a means of becoming the channel of conveyance of the extensive and valuable trade of a rising empire;" and he became the principal mover of a bill for the incorporation of a company to attempt the extension of the navigation of the Potomac (see his reference to this in his letter to Jefferson, above). Fifteen years before this he had recommended the construction of a military road to the Ohio. His first thought at the close of the Revolution was of the importance of establishing good communication with the West. Even before peace was definitely declared, he left the camp at Newburg and, at great personal risk, explored on horseback the Mohaw route (see his account of this trip in his letter to the Chevalier de Chastellux, above, Oct. 12, 1783). "Prompted by these actual observations," he says, "I could not help taking a more contemplative and extensive view of the vast inland navigation of these United States, and could not but be struck with the immense diffusion and importance of it, and with the goodness of that Providence which has dealt his favors to us with so profuse a hand

Would to God we may have wisdom enough to improve them! I shall not rest contented until I have explored the western country, and traversed those rivers (or a great part of them) which have given bounds to a new empire." Three months after his return to Mount Vernon, he wrote the letter to Jefferson, given above. On the 1st of September, he started on an exploring tour to the head waters of the Ohio, traveling nearly 700 miles on horseback, writing a careful journal, making careful maps, and selecting routes which have since become substantially the lines of the branches of the Baltimore and Ohio railroad. The first result of this tour was the letter to Governor Harrison, here printed, Oct. 10, 1784. The next result was the Potomac Company, organized in 1785, with Washington as its first president. See Pickell's *A New Chapter in the Early Life of Washington*, for a full history of the Potomac Company; also Andrew Stewart's *Report on the Chesapeake and Ohio Canal*, in 1826—containing many striking observations of Washington to members of Congress on the importance of opening up the West and binding the sections of the country firmly together; and various letters to Richard Henry Lee and others in 1784 and 1785 (Sparks, ix). For Washington's interest in the Ordinance of 1787 and his services in behalf of General Rufus Putnam and the Ohio Company, in the settlement of Marietta and the organization of the Northwest territory, see Cone's *Life of Rufus Putnam*, the *Life, Journals, and Correspondence of Rev. Manasseh Cutler*, and the *St. Clair Papers*. Read his warning against jealousies and differences between the East and the West, in the *Farewell Address*. The whole history of Washington's interest in the West, his earnest efforts for its opening and its settlement by men of character, and his visions of its future, show him to have been in this great matter the most far-sighted and sagacious man of his time.

Benjamin Harrison, Governor of Virginia in 1784, one of the signers of the Declaration of Independence, was the father of William Henry Harrison, and great-grandfather of Benjamin Harrison, President of the United States in 1889. Washington's letter of January 22, 1785, to Harrison, also included in the present leaflet, was in acknowledgment of a letter from the Governor, informing him of the vote of the Virginia Assembly complimenting him with fifty shares in the Potomac Company and one hundred in the James River Company, in recognition of the great advantage to the State which his influence and services in behalf of these schemes had been (see notes in Sparks, ix, 83, 85). Washington, in deference to the kind public feeling, finally consented to receive the shares, with the understanding that they should be applied to such public interests as he might direct. The James River stock he donated to Liberty Hall Academy, at Lexington, Va., which in consideration of this endowment was then named Washington College, and is now, since the presidency of Gen. Robert E. Lee after the civil war and his death there, known as Washington and Lee University (see art. on Washington and Lee University, in appendix to Professor Herbert B. Adams's monograph on *Thomas Jefferson and the University of Virginia*, published by the U. S. Bureau of Education). The Potomac stock, which unhappily never became productive, he left in his will (see extract, above) toward the endowment of a National University, which he hoped would be established at Washington under the auspices of the general government. He believed that a plan for such a university at the national capital should be "devised on a liberal scale," and that it "would have a tendency to spread systematic ideas through all parts of this rising empire, thereby to do away local attachments and State prejudices, as far as the nature of things would or indeed ought to admit, from our national councils." He especially mentions "the principles of politics and good government" as among those things with which such an institution should

concern itself. This project of a National University was one of Washington's favorite projects in his last years (see letters to John Adams, Jefferson and others, in Sparks, xi, 1-23; see also chapter on the subject in Professor Herbert B. Adams's pamphlet in the Johns Hopkins Studies, iii, 1, quoted above, and his address of Feb. 22, 1889, on *The Encouragement of Higher Education*). He desired to incorporate a clause concerning it in his Farewell Address (see letters in Binney's *Inquiry into the Formation of Washington's Farewell Address*, pp. 63, 64), but was persuaded by Hamilton to urge the matter instead in his last speech to Congress (see the same in Sparks, xii, 71). The whole subject of Washington's interest in education should receive more careful attention than it has received. It is of the highest interest that he should have appropriated to these two important educational causes the shares which came to him for his services in opening up the great West.



Verrazzano's Voyage.

1524.

CAPTAIN JOHN DE VERRAZZANO TO HIS MOST SERENE
MAJESTY, THE KING OF FRANCE, WRITES:

Since the tempests which we encountered on the northern coasts, I have not written to your most Serene and Christian Majesty concerning the four ships sent out by your orders on the ocean to discover new lands, because I thought you must have been before apprized of all that had happened to us—that we had been compelled by the impetuous violence of the winds to put into Brittany in distress with only the two ships Normandy and Dolphin; and that after having repaired these ships, we made a cruise in them, well armed, along the coast of Spain, as your Majesty must have heard, and also of our new plan of continuing our begun voyage with the Dolphin alone; from this voyage being now returned, I proceed to give your Majesty an account of our discoveries.

On the 17th of last January we set sail from a desolate rock near the island of Madeira, belonging to his most Serene Majesty, the King of Portugal, with fifty men, having provisions sufficient for eight months, arms and other warlike munition and naval stores. Sailing westward with a light and pleasant easterly breeze, in twenty-five days we ran eight hundred leagues. On the 24th of February we encountered as violent a hurricane as any ship ever weathered, from which we escaped unhurt by the divine assistance and goodness, to the praise of the glorious and fortunate name of our good ship, that had been able to support the violent tossing of the waves. Pursuing our voyage towards the West, a little northwardly, in twenty-four days more, having run four hundred leagues, we reached a new country, which had never before been seen by any one, either in ancient or modern times. At first it appeared to be very low,

but on approaching it to within a quarter of a league from the shore we perceived, by the great fires near the coast, that it was inhabited. We perceived that it stretched to the south, and coasted along in that direction in search of some port, in which we might come to anchor, and examine into the nature of the country, but for fifty leagues we could find none in which we could lie securely. Seeing the coast still stretch to the south, we resolved to change our course and stand to the northward, and as we still had the same difficulty, we drew in with the land and sent a boat on shore. Many people who were seen coming to the sea-side fled at our approach, but occasionally stopping, they looked back upon us with astonishment, and some were at length induced, by various friendly signs, to come to us. These showed the greatest delight on beholding us, wondering at our dress, countenances and complexion. They then showed us by signs where we could more conveniently secure our boat, and offered us some of their provisions. That your Majesty may know all that we learned, while on shore, of their manners and customs of life, I will relate what we saw as briefly as possible. They go entirely naked, except that about the loins they wear skins of small animals like martens fastened by a girdle of plaited grass, to which they tie, all round the body, the tails of other animals hanging down to the knees; all other parts of the body and the head are naked. Some wear garlands similar to birds' feathers.

The complexion of these people is black, not much different from that of the Ethiopians; their hair is black and thick, and not very long, it is worn tied back upon the head in the form of a little tail. In person they are of good proportions, of middle stature, a little above our own, broad across the breast, strong in the arms, and well formed in the legs and other parts of the body; the only exception to their good looks is that they have broad faces, but not all, however, as we saw many that had sharp ones, with large black eyes and a fixed expression. They are not very strong in body, but acute in mind, active and swift of foot, as far as we could judge by observation. In these last two particulars they resemble the people of the east, especially those the most remote. We could not learn a great many particulars of their usages on account of our short stay among them, and the distance of our ship from the shore.

We found not far from this people another whose mode of life we judged to be similar. The whole shore is covered with fine sand, about fifteen feet thick, rising in the form of little hills

about fifty paces broad. Ascending farther, we found several arms of the sea which make in through inlets, washing the shores on both sides as the coast runs. An outstretched country appears at a little distance rising somewhat above the sandy shore in beautiful fields and broad plains, covered with immense forests of trees, more or less dense, too various in colours, and too delightful and charming in appearance to be described. I do not believe that they are like the Hercynian forest or the rough wilds of Scythia, and the northern regions full of vines and common trees, but adorned with palms, laurels, cypresses, and other varieties unknown in Europe, that send forth the sweetest fragrance to a great distance, but which we could not examine more closely for the reasons before given, and not on account of any difficulty in traversing the woods, which, on the contrary, are easily penetrated.

As the "East" stretches around this country, I think it cannot be devoid of the same medicinal and aromatic drugs, and various riches of gold and the like, as is denoted by the colour of the ground. It abounds also in animals, as deer, stags, hares, and many other similar, and with a great variety of birds for every kind of pleasant and delightful sport. It is plentifully supplied with lakes and ponds of running water, and being in the latitude of 34, the air is salubrious, pure and temperate, and free from the extremes of both heat and cold. There are no violent winds in these regions, the most prevalent are the north-west and west. In summer, the season in which we were there, the sky is clear, with but little rain: if fogs and mists are at any time driven in by the south wind, they are instantaneously dissipated, and at once it becomes serene and bright again. The sea is calm, not boisterous, and its waves are gentle. Although the whole coast is low and without harbours, it is not dangerous for navigation, being free from rocks and bold, so that within four or five fathoms from the shore there is twenty-four feet of water at all times of tide, and this depth constantly increases in a uniform proportion. The holding ground is so good that no ship can part her cable, however violent the wind, as we proved by experience; for while riding at anchor on the coast, we were overtaken by a gale in the beginning of March, when the winds are high, as is usual in all countries, we found our anchor broken before it started from its hold or moved at all.

We set sail from this place, continuing to coast along the shore, which we found stretching out to the west (east?); the in-

habitants being numerous, we saw everywhere a multitude of fires. While at anchor on this coast, there being no harbour to enter, we sent the boat on shore with twenty-five men to obtain water, but it was not possible to land without endangering the boat, on account of the immense high surf thrown up by the sea, as it was an open roadstead. Many of the natives came to the beach, indicating by various friendly signs that we might trust ourselves on shore. One of their noble deeds of friendship deserves to be made known to your Majesty. A young sailor was attempting to swim ashore through the surf to carry them some knick-knacks, as little bells, looking-glasses, and other like trifles; when he came near three or four of them he tossed the things to them, and turned about to get back to the boat, but he was thrown over by the waves, and so dashed by them that he lay as it were dead upon the beach. When these people saw him in this situation, they ran and took him up by the head, legs and arms, and carried him to a distance from the surf; the young man, finding himself borne off in this way, uttered very loud shrieks in fear and dismay, while they answered as they could in their language, showing him that he had no cause for fear. Afterwards they laid him down at the foot of a little hill, when they took off his shirt and trowsers, and examined him, expressing the greatest astonishment at the whiteness of his skin. Our sailors in the boat seeing a great fire made up, and their companion placed very near it, full of fear, as is usual in all cases of novelty, imagined that the natives were about to roast him for food. But as soon as he had recovered his strength after a short stay with them, showing by signs that he wished to return aboard, they hugged him with great affection, and accompanied him to the shore, then leaving him, that he might feel more secure, they withdrew to a little hill, from which they watched him until he was safe in the boat. This young man remarked that these people were black like the others, that they had shining skins, middle stature, and sharper faces, and very delicate bodies and limbs, and that they were inferior in strength, but quick in their minds; this is all that he observed of them.

Departing hence, and always following the shore, which stretched to the north, we came, in the space of fifty leagues, to another land, which appeared very beautiful and full of the largest forests. We approached it, and going ashore with twenty men, we went back from the coast about two leagues, and found that the people had fled and hid themselves in the woods for fear. By searching around we discovered in the

grass a very old woman and a young girl of about eighteen or twenty, who had concealed themselves for the same reason; the old woman carried two infants on her shoulders, and behind her neck a little boy eight years of age; when we came up to them they began to shriek and make signs to the men who had fled to the woods. We gave them a part of our provisions, which they accepted with delight, but the girl would not touch any; every thing we offered to her being thrown down in great anger. We took the little boy from the old woman to carry with us to France, and would have taken the girl also, who was very beautiful and very tall, but it was impossible because of the loud shrieks she uttered as we attempted to lead her away; having to pass some woods, and being far from the ship, we determined to leave her and take the boy only. We found them fairer than the others, and wearing a covering made of certain plants, which hung down from the branches of the trees, tying them together with threads of wild hemp; their heads are without covering and of the same shape as the others. Their food is a kind of pulse which there abounds, different in colour and size from ours, and of a very delicious flavour. Besides they take birds and fish for food, using snares and bows made of hard wood, with reeds for arrows, in the ends of which they put the bones of fish and other animals. The animals in these regions are wilder than in Europe from being continually molested by the hunters. We saw many of their boats made of one tree twenty feet long and four feet broad, without the aid of stone or iron or other kind of metal. In the whole country for the space of two hundred leagues, which we visited, we saw no stone of any sort. To hollow out their boats they burn out as much of a log as is requisite, and also from the prow and stern to make them float well on the sea. The land, in situation, fertility and beauty, is like the other, abounding also in forests filled with various kinds of trees, but not of such fragrance, as it is more northern and colder.

We saw in this country many vines growing naturally, which entwine about the trees, and run up upon them as they do in the plains of Lombardy. These vines would doubtless produce excellent wine if they were properly cultivated and attended to, as we have often seen the grapes which they produce very sweet and pleasant, and not unlike our own. They must be held in estimation by them, as they carefully remove the shrubbery from around them, wherever they grow, to allow the fruit to ripen better. We found also wild roses, violets, lilies, and many

sorts of plants and fragrant flowers different from our own. We cannot describe their habitations, as they are in the interior of the country, but from various indications we conclude they must be formed of trees and shrubs. We saw also many grounds for conjecturing that they often sleep in the open air, without any covering but the sky. Of their other usages we know nothing; we believe, however, that all the people we were among live in the same way.

After having remained here three days, riding at anchor on the coast, as we could find no harbour we determined to depart, and coast along the shore to the north-east, keeping sail on the vessel only by day, and coming to anchor by night. After proceeding one hundred leagues, we found a very pleasant situation among some steep hills, through which a very large river, deep at its mouth, forced its way to the sea; from the sea to the estuary of the river, any ship heavily laden might pass, with the help of the tide, which rises eight feet. But as we were riding at anchor in a good berth, we would not venture up in our vessel, without a knowledge of the mouth; therefore we took the boat, and entering the river, we found the country on its banks well peopled, the inhabitants not differing much from the others, being dressed out with the feathers of birds of various colours. They came towards us with evident delight, raising loud shouts of admiration, and showing us where we could most securely land with our boat. We passed up this river, about half a league, when we found it formed a most beautiful lake three leagues in circuit, upon which they were rowing thirty or more of their small boats, from one shore to the other, filled with multitudes who came to see us. All of a sudden, as is wont to happen to navigators, a violent contrary wind blew in from the sea, and forced us to return to our ship, greatly regretting to leave this region which seemed so commodious and delightful, and which we supposed must also contain great riches, as the hills showed many indications of minerals. Weighing anchor, we sailed fifty leagues toward the east, as the coast stretched in that direction, and always in sight of it; at length we discovered an island of a triangular form, about ten leagues from the mainland, in size about equal to the island of Rhodes, having many hills covered with trees, and well peopled, judging from the great number of fires which we saw all around its shores; we gave it the name of your Majesty's illustrious mother.

We did not land there, as the weather was unfavourable, but

proceeded to another place, fifteen leagues distant from the island, where we found a very excellent harbour. Before entering it, we saw about twenty small boats full of people, who came about our ship, uttering many cries of astonishment, but they would not approach nearer than within fifty paces; stopping, they looked at the structure of our ship, our persons and dress, afterwards they all raised a loud shout together, signifying that they were pleased. By imitating their signs, we inspired them in some measure with confidence, so that they came near enough for us to toss to them some little bells and glasses, and many toys, which they took and looked at, laughing, and then came on board without fear. Among them were two kings more beautiful in form and stature than can possibly be described; one was about forty years old, the other about twenty-four, and they were dressed in the following manner: The oldest had a deer's skin around his body, artificially wrought in damask figures, his head was without covering, his hair was tied back in various knots; around his neck he wore a large chain ornamented with many stones of different colours. The young man was similar in his general appearance. This is the finest looking tribe, and the handsomest in their costumes, that we have found in our voyage. They exceed us in size, and they are of a very fair complexion (?); some of them incline more to a white (bronze?), and others to a tawny colour; their faces are sharp, their hair long and black, upon the adorning of which they bestow great pains; their eyes are black and sharp, their expression mild and pleasant, greatly resembling the antique. I say nothing to your Majesty of the other parts of the body, which are all in good proportion, and such as belong to well-formed men. Their women are of the same form and beauty, very graceful, of fine countenances and pleasing appearance in manners and modesty; they wear no clothing except a deer skin, ornamented like those worn by the men; some wear very rich lynx skins upon their arms, and various ornaments upon their heads, composed of braids of hair, which also hang down upon their breasts on each side. Others wear different ornaments, such as the women of Egypt and Syria use. The older and the married people, both men and women, wear many ornaments in their ears, hanging down in the oriental manner. We saw upon them several pieces of wrought copper, which is more esteemed by them than gold, as this is not valued on account of its colour, but is considered by them as the most ordinary of the metals — yellow being the colour es-

pecially disliked by them; azure and red are those in highest estimation with them. Of those things which we gave them, they prized most highly the bells, azure crystals, and other toys to hang in their ears and about their necks; they do not value or care to have silk or gold stuffs, or other kinds of cloth, nor implements of steel or iron. When we showed them our arms, they expressed no admiration, and only asked how they were made; the same was the case of the looking-glasses, which they returned to us, smiling, as soon as they had looked at them. They are very generous, giving away whatever they have. We formed a great friendship with them, and one day we entered into the port with our ship, having before rode at the distance of a league from the shore, as the weather was adverse. They came off to the ship with a number of their little boats, with their faces painted in divers colours, showing us real signs of joy, bringing us of their provisions, and signifying to us where we could best ride in safety with our ship, and keeping with us until we had cast anchor. We remained among them fifteen days, to provide ourselves with many things of which we were in want, during which time they came every day to see our ship, bringing with them their wives, of whom they were very careful; for, although they came on board themselves, and remained a long while, they made their wives stay in the boats, nor could we ever get them on board by any entreaties or any presents we could make them. One of the two kings often came with his queen and many attendants, to see us for his amusement; but he always stopped at the distance of about two hundred paces, and sent a boat to inform us of his intended visit, saying they would come and see our ship—this was done for safety, and as soon as they had an answer from us they came off, and remained awhile to look around; but on hearing the annoying cries of the sailors, the king sent the queen, with her attendants, in a very light boat, to wait, near an island a quarter of a league distant from us, while he remained a long time on board, talking with us by signs, and expressing his fanciful notions about every thing in the ship, and asking the use of all. After imitating our modes of salutation, and tasting our food, he courteously took leave of us. Sometimes, when our men stayed two or three days on a small island, near the ship, for their various necessities, as sailors are wont to do, he came with seven or eight of his attendants, to inquire about our movements, often asking us if we intended to remain there long, and offering us everything at his

command, and then he would shoot with his bow, and run up and down with his people, making great sport for us. We often went five or six leagues into the interior, and found the country as pleasant as is possible to conceive, adapted to cultivation of every kind, whether of corn, wine or oil; there are open plains twenty-five or thirty leagues in extent, entirely free from trees or other hindrances, and of so great fertility, that whatever is sown there will yield an excellent crop. On entering the woods, we observed that they might all be traversed by an army ever so numerous; the trees of which they were composed, were oaks, cypresses, and others, unknown in Europe. We found, also, apples, plumbs, filberts, and many other fruits, but all of a different kind from ours. The animals, which are in great numbers, as stags, deer, lynxes, and many other species, are taken by snares, and by bows, the latter being their chief implement; their arrows are wrought with great beauty, and for the heads of them, they use emery, jasper, hard marble, and other sharp stones, in the place of iron. They also use the same kind of sharp stones in cutting down trees, and with them they construct their boats of single logs, hollowed out with admirable skill, and sufficiently commodious to contain ten or twelve persons; their oars are short, and broad at the end, and are managed in rowing by force of the arms alone, with perfect security, and as nimbly as they choose. We saw their dwellings, which are of a circular form, of about ten or twelve paces in circumference, made of logs split in halves, without any regularity of architecture, and covered with roofs of straw, nicely put on, which protect them from wind and rain. There is no doubt that they would build stately edifices if they had workmen as skilful as ours, for the whole sea-coast abounds in shining stones, crystals, and alabaster, and for the same reason it has ports and retreats for animals. They change their habitations from place to place as circumstances of situation and season may require; this is easily done, as they have only to take with them their mats, and they have other houses prepared at once. The father and the whole family dwell together in one house in great numbers; in some we saw twenty-five or thirty persons. Their food is pulse, as with the other tribes, which is here better than elsewhere, and more carefully cultivated; in the time of sowing they are governed by the moon, the sprouting of grain, and many other ancient usages. They live by hunting and fishing, and they are long-lived. If they fall sick, they cure themselves without

medicine, by the heat of the fire, and their death at last comes from extreme old age. We judge them to be very affectionate and charitable towards their relatives—making loud lamentations in their adversity, and in their misery calling to mind all their good fortune. At their departure out of life, their relations mutually join in weeping, mingled with singing, for a long while. This is all that we could learn of them. This region is situated in the parallel of Rome, being $41^{\circ} 40'$ of north latitude, but much colder from accidental circumstances, and not by nature, as I shall hereafter explain to your Majesty, and confine myself at present to the description of its local situation. It looks towards the south, on which side the harbour is half a league broad; afterwards, upon entering it, the extent between the coast and north is twelve leagues, and then enlarging itself it forms a very large bay, twenty leagues in circumference, in which are five small islands, of great fertility and beauty, covered with large and lofty trees. Among these islands any fleet, however large, might ride safely, without fear of tempests or other dangers. Turning towards the south, at the entrance of the harbour, on both sides, there are very pleasant hills, and many streams of clear water, which flow down to the sea. In the midst of the entrance, there is a rock of freestone, formed by nature, and suitable for the construction of any kind of machine or bulwark for the defence of the harbour.*

Having supplied ourselves with every thing necessary, on the fifth of May we departed from the port, and sailed one hundred and fifty leagues, keeping so close to the coast as never to lose it from our sight; the nature of the country appeared much the same as before, but the mountains were a little higher, and all in appearance rich in minerals. We did not stop to land as the weather was very favorable for pursuing our voyage, and the country presented no variety. The shore stretched to the east, and fifty leagues beyond more to the north, where we found a more elevated country, full of very thick woods of fir

* The above description applies to Narraganset Bay and the harbour of Newport in Rhode Island, although mistaken by Dr. Miller, in his discourse before this Society, as published in the first volume of the former series of Collections, for the bay and harbour of New-York. The latter are briefly described in a preceding paragraph of this translation, p. 45, with sufficient clearness to admit of their being easily recognized. The island "of a triangular form, resembling the island of Rhodes," which Verrazzano mentions as fifty leagues to the east of New-York, p. 46, is doubtless Block Island.—Ed.

trees, cypresses and the like, indicative of a cold climate. The people were entirely different from the others we had seen, whom we had found kind and gentle, but these were so rude and barbarous that we were unable by any signs we could make, to hold communication with them. They clothe themselves in the skins of bears, lynxes, seals and other animals. Their food, as far as we could judge by several visits to their dwellings, is obtained by hunting and fishing, and certain fruits, which are a sort of root of spontaneous growth. They have no pulse, and we saw no signs of cultivation; the land appears sterile and unfit for growing of fruit or grain of any kind. If we wished at any time to traffick with them, they came to the sea shore and stood upon the rocks, from which they lowered down by a cord to our boats beneath whatever they had to barter, continually crying out to us, not to come nearer, and instantly demanding from us that which was to be given in exchange; they took from us only knives, fish hooks and sharpened steel. No regard was paid to our courtesies; when we had nothing left to exchange with them, the men at our departure made the most brutal signs of disdain and contempt possible. Against their will we penetrated two or three leagues into the interior with twenty-five men; when we came to the shore, they shot at us with their arrows, raising the most horrible cries and afterwards fleeing to the woods. In this region we found nothing extraordinary except vast forests and some metalliferous hills, as we infer from seeing that many of the people wore copper ear-rings. Departing from thence, we kept along the coast, steering north-east, and found the country more pleasant and open, free from woods, and distant in the interior we saw lofty mountains, but none which extended to the shore. Within fifty leagues we discovered thirty-two islands, all near the main land, small and of pleasant appearance, but high and so disposed as to afford excellent harbours and channels, as we see in the Adriatic gulph, near Illyria and Dalmatia. We had no intercourse with the people, but we judge that they were similiar in nature and usages to those we were last among. After sailing between east and north the distance of one hundred and fifty leagues more, and finding our provisions and naval stores nearly exhausted, we took in wood and water and determined to return to France, having discovered 502, that is 700 (sic) leagues of unknown lands.

As to the religious faith of all these tribes, not understanding their language, we could not discover either by sign or gestures any thing certain. It seemed to us that they had no

religion nor laws, nor any knowledge of a First Cause or Mover, that they worshipped neither the heavens, stars, sun, moon nor other planets; nor could we learn if they were given to any kind of idolatry, or offered any sacrifices or supplications, or if they have temples or houses of prayer in their villages;—our conclusion was, that they have no religious belief whatever, but live in this respect entirely free. All which proceeds from ignorance, as they are very easy to be persuaded, and imitated us with earnestness and fervour in all which they saw us do as Christians in our acts of worship.

It remains for me to lay before your Majesty a cosmographical exposition of our voyage. Taking our departure, as I before observed, from the above mentioned desert rocks, which lie on the extreme verge of the west, as known to the ancients, in the meridian of the Fortunate Islands, and in the latitude of 32 degrees north from the equator, and steering a westward course, we had run, when we first made land, a distance of 1,200 leagues or 4,800 miles, reckoning, according to nautical usage, four miles to a league. This distance calculated geometrically, upon the usual ratio of the diameter to the circumference of the circle, gives 92 degrees; for if we take 114 degrees as the chord of an arc of a great circle, we have by the same ratio 95 deg. as the chord of an arc on the parallel of 34 degrees, being that on which we first made land, and 300 degrees as the circumference of the whole circle, passing through this plane. Allowing then, as actual observations show, that $62\frac{1}{2}$ terrestrial miles correspond to a celestial degree, we find the whole circumference of 300 deg., as just given, to be 18,759 miles, which, divided by 360, makes the length of a degree of longitude in the parallel of 34 degrees to be 52 miles, and that is the true measure. Upon this basis, 1,200 leagues, or 4,800 miles meridional distance, on the parallel of 34, give 92 degrees, and so many therefore have we sailed farther to the west than was known to the ancients. During our voyage we had no lunar eclipses or like celestial phenomenas, we therefore determined our progress from the difference of longitude, which we ascertained by various instruments, by taking the sun's altitude from day to day, and by calculating geometrically the distance run by the ship from one horizon to another; all these observations, as also the ebb and flow of the sea in all places, were noted in a little book, which

may prove serviceable to navigators ; they are communicated to your Majesty in the hope of promoting science.

My intention in this voyage was to reach Cathay, on the extreme coast of Asia, expecting, however, to find in the newly discovered land some such an obstacle, as they have proved to be, yet I did not doubt that I should penetrate by some passage to the eastern ocean. It was the opinion of the ancients, that our oriental Indian ocean is one and without any interposing land ; Aristotle supports it by arguments founded on various probabilities ; but it is contrary to that of the moderns and shown to be erroneous by experience ; the country which has been discovered, and which was unknown to the ancients, is another world compared with that before known, being manifestly larger than our Europe, together with Africa and perhaps Asia, if we rightly estimate its extent, as shall now be briefly explained to your Majesty. The Spaniards have sailed south beyond the equator on a meridian 20 degrees west of the Fortunate Islands to the latitude of 54, and there still found land ; turning about they steered northward on the same meridian and along the coast to the eighth degree of latitude near the equator, and thence along the coast more to the west and north-west, to the latitude of 21° , without finding a termination to the continent ; they estimated the distance run as 89 degrees, which, added to the 20 first run west of the Canaries, make 109 degrees and so far west ; they sailed from the meridian of these islands, but this may vary somewhat from truth ; we did not make this voyage and therefore cannot speak from experience ; we calculated it geometrically from the observations furnished by many navigators, who have made the voyage and affirm the distance to be 1,600 leagues, due allowance being made for the deviations of the ship from a straight course, by reason of contrary winds. I hope that we shall now obtain certain information on these points, by new voyages to be made on the same coasts. But to return to ourselves ; in the voyage which we have made by order of your Majesty, in addition to the 92 degrees we run towards the west from our point of departure, before we reached land in the latitude of 34, we have to count 300 leagues which we ran north-east-wardly, and 400 nearly east along the coast before we reached the 50th parallel of north latitude, the point where we turned our course from the shore towards home. Beyond this point the Portuguese had already sailed as far north as the Arctic circle, without coming to the termination of the land. Thus adding the

degrees of south latitude explored, which are 54, to those of the north, which are 66, the sum is 120, and therefore more than are embraced in the latitude of Africa and Europe, for the north point of Norway, which is the extremity of Europe, is in 71 north, and the Cape of Good Hope, which is the southern extremity of Africa, is in 35 south, and their sum is only 106, and if the breadth of this newly discovered country corresponds to its extent of sea coast, it doubtless exceeds Asia in size. In this way we find that the land forms a much larger portion of our globe than the ancients supposed, who maintained, contrary to mathematical reasoning, that it was less than the water, whereas actual experience proves the reverse, so that we judge in respect to extent of surface the land covers as much space as the water; and I hope more clearly and more satisfactorily to point out and explain to your Majesty the great extent of that new land, or new world, of which I have been speaking. The continent of Asia and Africa, we know for certain, is joined to Europe at the north in Norway and Russia, which disproves the idea of the ancients that all this part had been navigated from the Cimbric Chersonesus, eastward as far as the Caspian Sea. They also maintained that the whole continent was surrounded by two seas situate to the east and west of it, which seas in fact do not surround either of the two continents, for as we have seen above, the land of the southern hemisphere at the latitude of 54 extends eastwardly an unknown distance, and that of the northern passing the 66th parallel turns to the east, and has no termination as high as the 70th. In a short time, I hope, we shall have more certain knowledge of these things, by the aid of your Majesty, whom I pray Almighty God to prosper in lasting glory, that we may see the most important results of this our cosmography in the fulfilment of the holy words of the Gospel.

On board the ship *Dolphin*, in the port of Dieppe in Normandy, the 8th of July, 1524.

Your humble servitor,

JOHN DE VERRAZZANO.

Giovanni da Verrazzano, who commanded the first French expedition to America sent out under royal auspices, was, like Columbus, who sailed in the service of Spain, an Italian. He was born in Florence, and was about ten years old when Columbus discovered America. It has been stated, but on doubtful authority, that he commanded one of the ships in Aubert's expedition to America in 1508. In 1521 he appears in history as a French corsair,

oreying upon the commerce between Spain and America; and it was probably in this occupation that he gained the notice and favor of Francis I. Late in 1523 he started on his voyage across the Atlantic, in the "Dauphine,"* his object being, as he tells us himself in the cosmographical appendix to his letter, to reach Cathay (China) by a westward route. Of this voyage the famous letter here published is the record. It was in March, 1524, that he discovered the American coast, probably not far from the site of Wilmington in North Carolina. It will be interesting for the student to follow him in his course northward, remembering that he was the first European who explored this part of the coast. "A newe land," he exclaims in his letter, "never before seen of any man, either auncient or moderne." Among the places which he describes, New York Harbor, Block Island (which he named Louisa, in honor of the king's mother), Newport and other places have been identified. He continued along the Maine coast and as far as Nova Scotia and Newfoundland, which fishermen from Brittany had found twenty years before (the name of Cape Breton is a trace of them), thence returning to France. He reached Dieppe early in July, and it is from Dieppe, July 8, 1524, that his letter to the king is dated. It is the earliest description known to exist of the shores of the United States.

There are two copies of Verrazzano's letter, both of them, however, Italian translations, the original letter not being in existence. One was printed by Ramusio in 1556, and this was translated into English by Hakluyt for his *Divers Voyages*, which appeared in 1582. The other was found many years later in the Strozzi Library at Florence, and was first published in 1841 by the New York Historical Society, with a translation by Dr. J. G. Cogswell. This is the translation given in the present leaflet. The cosmographical appendix contained in the second version, and considered by Dr. Asher and other antiquarians a document of great importance, was not contained in the copy printed by Ramusio.

Verrazzano's voyage and letter have been the occasion of much controversy. There are those who believe that he never came to America at all, but that the letter was ingeniously prepared in France, with the connivance of the king, as the basis of a claim to American territory. Mr. Henry C. Murphy has been the ablest objector to the genuineness of Verrazzano's letter and voyage. See his book on *The Voyage of Verrazzano*, which affected Mr. Bancroft so deeply that he has left out all mention of Verrazzano in the revised edition of his *History of the United States*. The entire contro-

*The *Delfina* was the name of Verrazzano's ship. Both Hakluyt and Dr. Cogswell render this by the word *Dolphin*. This is not correct. The Italian for dolphin is *delfino*, which also signifies the dauphin, or oldest son of the king of France so called because upon the cession of Dauphiny to the crown of France, he became entitled to wear the armorial device of the princes of that province, which was a dolphin. *Dauphine* is the feminine term.

versy is reviewed most ably by Justin Winsor, in the fourth volume of the new *Narrative and Critical History of America*, and he shows the utter insufficiency of Murphy's objections. This review should be carefully read by the student. See also De Costa's *Verrazzano the Explorer*, containing an exhaustive bibliography of the subject, Prof. Geo. W. Greene's essay on Verrazzano in the *North American Review* for October, 1837, etc.

The fourth volume of the *Narrative and Critical History of America* bears the sub-title of *French Explorations and Settlements in North America*, to which subject almost the entire volume is devoted. It is an inexhaustible mine of information, to which the more careful student should constantly go in connection with almost all of the lectures on *America and France*. There is a chapter devoted to Jacques Cartier, the next important Frenchman in America, and very much about Champlain. Verrazzano, Cartier and Champlain are also all most interestingly treated by Parkman, in his *Pioneers of France in the New World*. Champlain's own writings, which have been carefully edited by Rev. Edmund F. Slafter, should be consulted.



Federal Constitution of the Swiss Confederation*

(of May 29, 1874.)

In the Name of Almighty God.

The Swiss Confederation, desiring to confirm the alliance of the Confederates, to maintain and to promote the unity, strength, and honor of the Swiss nation, has adopted the Federal Constitution following :

CHAPTER I. GENERAL PROVISIONS.

ARTICLE FIRST. The peoples of the twenty-two sovereign Cantons of Switzerland, united by this present alliance, viz. :

Zurich, Bern, Luzern, Uri, Schwyz, Unterwalden (Upper and Lower), Glarus, Zug, Freiburg, Solothurn, Basel (urban and rural), Schaffhausen, Appenzell (the two Rhodes), St. Gallen, Grisons, Aargau, Thurgau, Ticino, Vaud, Valais, Neuchâtel, and Geneva, form in their entirety the SWISS CONFEDERATION.

* This translation of the Constitution of Switzerland has been made from the parallel French and German texts by Albert Bushnell Hart, Assistant Professor of History in Harvard College, who has also furnished the bibliographical notes. The copy or proofs of the translation have been submitted to Profs. S. M. Macvane and Adolphe Cohn of Harvard College, Prof. Bernard Moses of the University of California, Prof. Woodrow Wilson of Wesleyan University, Prof. R. Hudson of the University of Michigan, and Mr. J. M. Vincent, Librarian of the Department of History and Politics, Johns Hopkins University—from all of whom helpful suggestions have been received. The translation adheres as closely as possible to the form of the French version, since the French idioms more closely approach the usual phraseology of American political documents. Amendments passed up to 1889 have, in accordance with Swiss usage, been incorporated in their logical place in the text.

ART. 2. The purpose of the Confederation is, to secure the independence of the country against foreign nations, to maintain peace and order within, to protect the liberty and the rights of the Confederates, and to foster their common welfare.

ART. 3. The Cantons are sovereign, so far as their sovereignty is not limited by the Federal Constitution; and, as such, they exercise all the rights which are not delegated to the federal government.

ART. 4. All Swiss are equal before the law. In Switzerland there are neither political dependents, nor privileges of place, birth, persons, or families.

ART. 5. The Confederation guarantees to the Cantons their territory, their sovereignty, within the limits fixed by Article 3, their Constitutions, the liberty and rights of the people, the constitutional rights of citizens, and the rights and powers which the people have conferred on those in authority.

ART. 6. The Cantons are bound to ask of the Confederation the guaranty of their Constitutions.

This guaranty is accorded, provided:

(a) That the Constitutions contain nothing contrary to the provisions of the Federal Constitution.

(b) That they assure the exercise of political rights, according to republican forms, representative or democratic.

(c) That they have been ratified by the people, and may be amended whenever the majority of all the citizens demand it.

ART. 7. All separate alliances and all treaties of a political character between the Cantons are forbidden.

On the other hand the Cantons have the right to make conventions among themselves upon legislative, administrative, or judicial subjects; in all cases they shall bring such conventions to the attention of the federal officials, who are authorized to prevent their execution, if they contain anything contrary to the Confederation, or to the rights of other Cantons. Should such not be the case, the covenanting Cantons are authorized to require the coöperation of the federal officials in carrying out the convention.

ART. 8. The Confederation has the sole right of declaring war, of making peace, and of concluding alliances and treaties with foreign powers, particularly treaties relating to tariffs and commerce.

ART. 9. By exception the Cantons preserve the right of concluding treaties with foreign powers, respecting the administration of public property, and border and police intercourse; but such treaties shall contain nothing contrary to the Confederation or to the rights of other Cantons.

ART. 10. Official intercourse between Cantons and foreign governments, or their representatives, shall take place through the Federal Council.

Nevertheless, the Cantons may correspond directly with the inferior officials and officers of a foreign State, in regard to the subjects enumerated in the preceding article.

ART. 11. No military capitulations shall be made.

ART. 12. No members of the departments of the federal government, civil and military officials of the Confederation, or federal representatives or commissioners, shall receive from any foreign government any pension, salary, title, gift, or decoration.

Such persons, already in possession of pensions, titles, or decorations, must renounce the enjoyment of pensions and the bearing of titles and decorations during their term of office.

Nevertheless, inferior officials may be authorized by the Federal Council to continue in the receipt of pensions.

No decoration or title conferred by a foreign government shall be borne in the federal army.

No officer, non-commissioned officer, or soldier shall accept such distinction.

ART. 13. The Confederation has no right to keep up a standing army.

No Canton or Half-Canton shall, without the permission of the federal government, keep up a standing force of more than three hundred men; the mounted police [*gendarmerie*] is not included in this number.

ART. 14. In case of differences arising between Cantons, the States shall abstain from violence and from arming themselves; they shall submit to the decision to be taken upon such differences by the Confederation.

ART 15. In case of sudden danger of foreign attack, the authorities of the Cantons threatened shall request the aid of other members of the Confederation and shall immediately notify the federal government; the subsequent action of the latter shall not thereby be precluded. The Cantons summoned are bound to give aid. The expenses shall be borne by the Confederation.

ART. 16. In case of internal disturbance, or if the danger is threatened by another Canton, the authorities of the Canton threatened shall give immediate notice to the Federal Council, in order that that body may take the measures necessary, within the limits of its power (Art. 102, §§ 3, 10, 11), or may summon the Federal Assembly. In extreme cases the authorities of the Canton are authorized, while giving immediate notice to the Federal Council, to ask the aid of other Cantons, which are bound to afford such aid.

If the executive of the Canton is unable to call for aid, the federal authority having the power may, and if the safety of Switzerland is endangered shall, intervene without requisition.

In case of federal intervention, the federal authorities shall take care that the provisions of Article 5 be observed.

The expenses shall be borne by the Canton asking aid or occasioning federal intervention, except when the Federal Assembly otherwise decides on account of special circumstances.

ART. 17. In the cases mentioned in Articles 15 and 16, every Canton is bound to afford undisturbed passage for the troops. The troops shall immediately be placed under federal command.

ART. 18. Every Swiss is bound to perform military service.

Soldiers who lose their lives or suffer permanent injury to their health, in consequence of federal service, are entitled to aid from the Confederation for themselves or their families, in case of need.

Each soldier shall receive without expense his first equipment, clothing, and arms. The weapon remains in the hands of the soldier, under conditions which shall be prescribed by federal legislation.

The Confederation shall enact uniform provisions as to an exemption tax.

ART. 19. The federal army is composed :

(a) Of the cantonal military corps.

(b) Of all Swiss who do not belong to such military corps, but are nevertheless liable to military service.

The Confederation exercises control over the army and the material of war provided by law.

In cases of danger, the Confederation has also the exclusive and direct control of men not included in the federal army, and of all other military resources of the Cantons.

The Cantons have authority over the military forces of their territory, so far as this right is not limited by the Federal Constitution or laws.

ART. 20. The laws on the organization of the army are passed by the Confederation. The enforcement of military laws in the Cantons is intrusted to the cantonal officials, within limits which shall be fixed by federal legislation, and under the supervision of the Confederation.

Military instruction of every kind pertains to the Confederation. The same applies to the arming of troops.

The furnishing and maintenance of clothing and equipment is within the power of the Cantons; but the Cantons shall be credited with the expenses therefor, according to a regulation to be established by federal legislation.

ART. 21. So far as military reasons do not prevent, bodies of troops shall be formed out of the soldiers of the same Cantons.

The composition of these bodies of troops, the maintenance of their effective strength, the appointment and promotion of officers of these bodies of troops, belong to the Cantons, subject to general provisions which shall be established by the Confederation.

ART. 22. On payment of a reasonable indemnity, the Confederation has the right to use or acquire drill-grounds and buildings intended for military purposes, within the Cantons, together with the appurtenances thereof.

The terms of the indemnity shall be settled by federal legislation.

ART. 23. The Confederation may construct at its own expense, or may aid by subsidies, public works which concern Switzerland or a considerable part of the country.

For this purpose it may expropriate property, on payment of a reasonable indemnity. Further enactments upon this matter shall be made by federal legislation.

The Federal Assembly may forbid public works which endanger the military interests of the Confederation.

ART. 24. The Confederation has the right of superintendence over dike and forest police in the upper mountain regions.

It may coöperate in the straightening and embankment of torrents as well as in the afforesting of the districts in which they rise. It may prescribe the regulations necessary to assure the

maintenance of these works, and the preservation of existing forests.

ART. 25. The Confederation has power to make legislative enactments for the regulation of the right of fishing and hunting, particularly with a view to the preservation of the large game in the mountains, as well as for the protection of birds useful to agriculture and forestry.

ART. 26. Legislation upon the construction and operation of railroads is in the province of the Confederation.

ART. 27. The Confederation has the right to establish, besides the existing Polytechnic School, a Federal University and other institutions of higher instruction, or to subsidize institutions of such nature.

The Cantons provide for primary instruction, which shall be sufficient, and shall be placed exclusively under the direction of the secular authority. It is compulsory and, in the public schools, free.

The public schools shall be such that they may be frequented by the adherents of all religious sects, without any offense to their freedom of conscience or of belief.

The Confederation shall take the necessary measures against such Cantons as shall not fulfill these duties.

ART. 28. The customs are in the province of the Confederation. It may levy export and import duties.

ART. 29. The collection of the federal customs shall be regulated according to the following principles :

1. Duties on imports :

(a) Materials necessary for the manufactures and agriculture of the country shall be taxed as low as possible.

(b) It shall be the same with the necessities of life.

(c) Luxuries shall be subjected to the highest duties.

Unless there are imperative reasons to the contrary, these principles shall be observed also in the conclusion of treaties of commerce with foreign powers.

2. The duties on exports shall also be as low as possible.

3. The customs legislation shall include suitable provisions for the continuance of commercial and market intercourse across the frontier.

The above provisions do not prevent the Confederation from making temporary exceptional provisions, under extraordinary circumstances.

ART. 30. The proceeds of the customs belong to the Confederation.

The indemnity ceases which hitherto has been paid to the Cantons for the redemption of customs, for road and bridge tolls, customs duties and other like dues.

By exception, and on account of their international alpine roads, the Cantons of Uri, Grisons, Ticino, and Valais receive an annual indemnity, which, considering all the circumstances, is fixed as follows:

Uri, 80,000 francs.
 Grisons, 200,000 francs.
 Ticino, 200,000 francs.
 Valais, 50,000 francs.

The Cantons of Uri and Ticino shall receive in addition, for clearing the snow from the Saint Gotthard road, an annual indemnity of 40,000 francs, so long as that road shall not be replaced by a railroad.

ART. 31. The freedom of trade and of industry is guaranteed throughout the whole extent of the Confederation.

The following subjects are excepted:

(a) The salt and gunpowder monopoly, the federal customs, import duties on wines and other spirituous liquors, and other taxes on consumption expressly permitted by the Confederation, according to Article 32.

(b) The manufacture and sale of alcohol, under Article 32 (ii). [Amendment of Dec. 22, 1885.]

(c) Drinking places, and the retail trade in spirituous liquors; but nevertheless the Cantons may by legislation subject the business of keeping drinking places, and the retail trade in spirituous liquors, to such restrictions as are required for the public welfare. [Amendment of Dec. 22, 1885.]

(d) Measures of sanitary police against epidemics and cattle diseases.

(e) Provisions in regard to the exercise of trades and manufactures, in regard to taxes imposed thereon, and in regard to the police of the roads.

These provisions shall not contain anything contrary to the principle of freedom of trade and manufacture.

ART. 32. The Cantons are authorized to collect the import duties on wines and other spirituous liquors, provided in Article 31 (a), always under the following restrictions:

(a) The collection of these import duties shall in no wise impede transportation : commerce shall be obstructed as little as possible and shall not be burdened with any other dues.

(b) If the articles imported for consumption are reexported from the Canton, the duties paid on importation shall be refunded, without further charges.

(c) Products of Swiss origin shall be less burdened than those of foreign countries.

(d) The existing import duties on wines and other spirituous liquors of Swiss origin shall not be increased by the Cantons which already levy them. Such duties shall not be established upon such articles by Cantons which do not at present collect them.

(e) The laws and ordinances of the Cantons on the collection of import duties shall, before their going into effect, be submitted to the federal government for approval, in order that it may, if necessary, cause the enforcement of the preceding provisions.

All the import duties now levied by the Cantons, as well as the similar duties levied by the Communes, shall cease, without indemnity, at the end of the year 1890.

ART. 32 (ii). [Amendment of Dec. 22, 1885.]

The Confederation is authorized by legislation to make regulations for the manufacture and sale of alcohol. In this legislation those products which are intended for exportation, or which have been subjected to a process excluding them from use as a beverage, shall be subjected to no tax. Distillation of wine, fruit, and their by-products, of gentian root, juniper berries, and similar products, is not subject to federal legislation as to manufacture or tax.

After the cessation of the import duties on spirituous liquors, provided for in Article 32 of the Constitution, the trade in liquors not distilled shall not be subjected by the Cantons to any special taxes or to other limitations than those necessary for protection against adulterated or noxious beverages. Nevertheless, the powers of the Cantons, defined in Article 31, are retained over the keeping of drinking places, and the sale at retail of quantities less than two liters.

The net proceeds resulting from taxation on the sale of alcohol belong to the Cantons in which the tax is levied.

The net proceeds to the Confederation from the internal manufacture of alcohol, and the corresponding addition to the duty on imported alcohol, are divided among all the Cantons,

in proportion to the actual population as ascertained from time to time by the next preceding federal census. Out of the receipts therefrom the Cantons must expend not less than one tenth in combating drunkenness in its causes and effects.

ART. 33. The Cantons may require proofs of competency from those who desire to practice a liberal profession.

Provision shall be made by federal legislation by which such persons may obtain certificates of competency which shall be valid throughout the Confederation.

ART. 34. The Confederation has power to enact uniform provisions as to the labor of children in factories, and as to the duration of labor fixed for adults therein, and as to the protection of workmen against the operation of unhealthy and dangerous manufactures.

The transactions of emigration agents and of organizations for insurance, not instituted by the State, are subject to federal supervision and legislation.

ART. 35. The opening of gaming houses is forbidden. Those which now exist shall be closed Dec. 31, 1877.

The concessions which may have been granted or renewed since the beginning of the year 1871 are declared invalid.

The Confederation may also take necessary measures concerning lotteries.

ART. 36. The posts and telegraphs in all Switzerland are controlled by the Confederation.

The proceeds of the posts and telegraphs belong to the federal treasury.

The rates shall, for all parts of Switzerland, be fixed according to the same principle and as fairly as possible.

Inviolable secrecy of letters and telegrams is guaranteed.

ART. 37. The Confederation exercises general oversight over those roads and bridges in the maintenance of which it is interested.

The sums due to the Cantons mentioned in Article 30, on account of their international alpine roads, shall be retained by the federal government if such roads are not kept by them in suitable condition.

ART. 38. The Confederation exercises all the exclusive rights pertaining to coinage.

It has the sole right of coining money.

It establishes the monetary system, and may enact provisions, if necessary, for the rate of exchange of foreign coins.

ART. 39. The Confederation has the power to make by law general provisions for the issue and redemption of bank notes.

But it shall not create any monopoly for the issue of bank notes, nor make such notes a legal tender.

ART. 40. The Confederation fixes the standard of weights and measures.

The Cantons, under the supervision of the Confederation, enforce the laws relating thereto.

ART. 41. The manufacture and the sale of gunpowder throughout Switzerland pertains exclusively to the Confederation.

Powders used for blasting and not suitable for shooting are not included in the monopoly.

ART. 42. The expenditures of the Confederation are met as follows :

(a) Out of the income from federal property.

(b) Out of the proceeds of the federal customs levied at the Swiss frontier.

(c) Out of the proceeds of the posts and telegraphs.

(d) Out of the proceeds of the powder monopoly.

(e) Out of half of the gross receipts from the tax on military exemptions levied by the Cantons.

(f) Out of the contributions of the Cantons, which shall be determined by federal legislation, with special reference to their wealth and taxable resources.

ART. 43. Every citizen of a Canton is a Swiss citizen.

As such he may participate, in the place where he is domiciled, in all federal elections and popular votes, after having duly proven his qualification as a voter.

No person can exercise political rights in more than one Canton.

The Swiss settled as a citizen outside his native Canton enjoys, in the place where he is domiciled, all the rights of the citizens of the Canton, including all the rights of the communal citizen. Participation in municipal and corporate property, and the right to vote upon purely municipal affairs, are excepted from such rights, unless the Canton by legislation has otherwise provided.

In cantonal and communal affairs, he gains the right to vote after a residence of three months.

Cantonal laws relating to the right of Swiss citizens to settle outside the Cantons in which they were born, and to vote on communal questions, are submitted for the approval of the Federal Council.

ART. 44. No Canton shall expel from its territory one of its own citizens, nor deprive him of his rights, whether acquired by birth or settlement. [*Origine ou cité.*]

Federal legislation shall fix the conditions upon which foreigners may be naturalized, as well as those upon which a Swiss may give up his citizenship in order to obtain naturalization in a foreign country.

ART. 45. Every Swiss citizen has the right to settle anywhere in Swiss territory, on condition of submitting a certificate of origin, or a similar document.

By exception, settlement may be *refused* to or *withdrawn* from, those who, in consequence of a penal conviction, are not entitled to civil rights.

In addition, settlement may be *withdrawn* from those who have been repeatedly punished for serious offenses, and also from those who permanently come upon the charge of public charity, and to whom their Commune or Canton of origin, as the case may be, refuses sufficient succor, after they have been officially asked to grant it.

In the Cantons where the poor are relieved in their place of residence the permission to settle, if it relates to citizens of the Canton, may be coupled with the condition that they shall be able to work, and that they shall not, in their former domicile in the Canton of origin, have permanently become a charge on public charity.

Every expulsion on account of poverty must be approved by the government of the Canton of domicile, and previously announced to the government of the Canton of origin.

A Canton in which a Swiss establishes his domicile may not require security, nor impose any special obligations for such establishment. In like manner the Communes cannot require from Swiss domiciled in their territory other contributions than those which they require from their own subjects.

A federal law shall establish the maximum fee to be paid the Chancery for a permit to settle.

ART. 46. Persons settled in Switzerland are, as a rule, subjected to the jurisdiction and legislation of their domicile, in all that pertains to their personal status and property rights.

The Confederation shall by law make the provisions necessary for the application of this principle and for the prevention of double taxation of a citizen.

ART. 47. A federal law shall establish the distinction between settlement and temporary residence, and shall at the same time make the regulations to which Swiss temporary residents shall be subjected as to their political rights and their civil rights.

ART. 48. A federal law shall provide for the regulation of the expenses of the illness and burial of indigent persons amenable to one Canton, who have fallen ill or died in another Canton.

ART. 49. Freedom of conscience and belief is inviolable.

No person can be constrained to take part in a religious society, to attend religious instruction, to perform a religious rite, or to incur penalties of any kind whatever on account of religious opinion.

The person who exercises the parent's or guardian's authority has the right, conformably to the principles above stated, to regulate the religious education of children up to the age of sixteen completed years.

The exercise of civil or political rights shall not be abridged by any provisions or conditions whatever of an ecclesiastical or religious kind.

No person shall, on account of a religious belief, release himself from the accomplishment of a civil duty.

No person is bound to pay taxes of which the proceeds are specifically appropriated to the actual expenses of the worship of a religious body to which he does not belong. The details of the carrying out of this principle are reserved for federal legislation.

ART. 50. The free exercise of religious worship is guaranteed within the limits compatible with public order and good morals.

The Cantons and the Confederation may take suitable measures for the preservation of public order and of peace between the members of different religious bodies, and also against encroachments of ecclesiastical authorities upon the rights of citizens and of the State.

Contests in public and private law, which arise out of the formation or the division of religious bodies, may be brought by appeal before the competent federal authorities.

No bishopric shall be created upon Swiss territory without the consent of the Confederation.

ART. 51. The order of the Jesuits, and the societies affiliated with them, shall not be received into any part of Switzerland; and all action in church and school is forbidden to its members.

This prohibition may be extended also, by federal ordinance, to other religious orders, the action of which is dangerous to the state or disturbs the peace between sects.

ART. 52. The foundation of new convents or religious orders, and the reëstablishment of those which have been suppressed, are forbidden.

ART. 53. The civil status and the keeping of records thereof is subject to the civil authority. The Confederation shall by law enact detailed provisions upon this subject.

The control of places of burial is subject to the civil authority. It shall take care that every deceased person may be decently interred.

ART. 54. The right of marriage is placed under the protection of the Confederation.

No limitation upon marriage shall be based upon sectarian grounds, nor upon the poverty of either of the contractants, nor on their conduct, nor on any other consideration of good order.

A marriage contracted in a Canton or in a foreign country, conformably to the law which is there in force, shall be recognized as valid throughout the Confederation.

By marriage the wife acquires the citizenship of her husband.

Children born before the marriage are made legitimate by the subsequent marriage of their parents.

No tax upon admission or similar tax shall be levied upon either party to a marriage.

ART. 55. The freedom of the press is guaranteed.

Nevertheless the Cantons by law enact the measures necessary for the suppression of abuses. Such laws are submitted for the approval of the Federal Council.

The Confederation may enact penalties for the suppression of press offenses directed against it or its authorities.

ART. 56. Citizens have the right of forming associations, provided that there be in the purpose of such associations, or in the means which they employ, nothing unlawful or dangerous

to the state. The Cantons by law take the measures necessary for the suppression of abuses.

ART. 57. The right of petition is guaranteed.

ART. 58. No person shall be deprived of his constitutional judge. Therefore no extraordinary tribunal shall be established. Ecclesiastical jurisdiction is abolished.

ART. 59. Suits for personal claims against a solvent debtor having a domicile in Switzerland, must be brought before the judge of his domicile; in consequence, his property outside the Canton in which he is domiciled may not be attached in suits for personal claims.

Nevertheless, with reference to foreigners, the provisions of international treaties shall not thereby be affected.

Imprisonment for debt is abolished.

ART. 60. All the Cantons are bound to treat the citizens of the other confederated States like those of their own State in legislation and in all judicial proceedings.

ART. 61. Civil judgments definitely pronounced in any Canton may be executed anywhere in Switzerland.

ART. 62. The exit duty on property [*traite foraine*] is abolished in the interior of Switzerland, as well as the right of redemption [*droit de retrait*] by citizens of one Canton against those of other confederated States.

ART. 63. The exit duty on property is abolished as respects foreign countries, provided reciprocity be observed.

ART. 64. The Confederation has power to make laws:
On legal competency.

On all legal questions relating to commerce and to transactions affecting chattels (law of commercial obligations, including commercial law and law of exchange).

On literary and artistic copyright.

On the protection of new patterns and forms, and of inventions which are represented in models and are capable of industrial application. [Amendment of Dec. 20, 1887.]

On the legal collection of debts and on bankruptcy.

The administration of justice remains with the Cantons, save as affected by the powers of the Federal Court.

ART. 65. No death penalty shall be pronounced for a political crime. [Amendment of June 20, 1879.]

Corporal punishment is abolished.

ART. 66. The Confederation by law fixes the limits within which a Swiss citizen may be deprived of his political rights.

ART. 67. The Confederation by law provides for the extradition of accused persons from one Canton to another; nevertheless, extradition shall not be made obligatory for political offenses and offenses of the press.

ART. 68. Measures are taken by federal law for the incorporation of persons without country (Heimathlosen), and for the prevention of new cases of that nature.

ART. 69. Legislation concerning measures of sanitary police against epidemic and cattle diseases, causing a common danger, is included in the powers of the Confederation.

ART. 70. The Confederation has power to expel from its territory foreigners who endanger the internal or external safety of Switzerland.

CHAPTER II. FEDERAL AUTHORITIES.

I. FEDERAL ASSEMBLY.

[*Assemblée fédérale; Bundesversammlung.*]

ART. 71. With the reservation of the rights of the people and of the Cantons (Articles 89 and 121), the supreme authority of the Confederation is exercised by the Federal Assembly, which consists of two sections or councils, to wit:

(A) The National Council.

(B) The Council of States.

A. NATIONAL COUNCIL.

[*Conseil National; Nationalrath.*]

ART. 72. The National Council is composed of representatives of the Swiss people, chosen in the ratio of one member for each 20,000 persons of the total population. Fractions of upwards of 10,000 persons are reckoned as 20,000.

Every Canton, and in the divided Cantons every Half-Canton, chooses at least one representative.

ART. 73. The elections for the National Council are direct. They are held in federal electoral districts, which in no case shall be formed out of parts of different Cantons.

ART. 74. Every Swiss who has completed twenty years of

age, and who in addition is not excluded from the rights of a voter by the legislation of the Canton in which he is domiciled, has the right to vote in elections and popular votes.

Nevertheless, the Confederation by law may establish uniform regulations for the exercise of such right.

ART. 75. Every lay Swiss citizen who has the right to vote is eligible for membership in the National Council.

ART. 76. The National Council is chosen for three years, and entirely renewed at each general election.

ART. 77. Representatives to the Council of States, members of the Federal Council, and officials appointed by that Council, shall not at the same time be members of the National Council.

ART. 78. The National Council chooses out of its own number, for each regular or extraordinary session, a President and a Vice-President.

A member who has held the office of President during a regular session is ineligible either as President or as Vice-President at the next regular session.

The same member may not be Vice-President during two consecutive regular sessions.

When the votes are equally divided the President has a casting vote; in elections he votes in the same manner as other members.

ART. 79. The members of the National Council receive a compensation out of the federal treasury.

B. COUNCIL OF STATES.

[*Conseil des Etats; Ständerath.*]

ART. 80. The Council of States consists of forty-four representatives of the Cantons. Each Canton appoints two representatives; in the divided Cantons, each Half-State chooses one.

ART. 81. The members of the National Council and those of the Federal Council may not be representatives in the Council of States.

ART. 82. The Council of States chooses out of its own number for each regular or extraordinary session a President and a Vice-President.

Neither the President nor the Vice-President can be chosen

from among the representatives of the Canton from which the President has been chosen for the regular session next preceding.

Representatives of the same Canton cannot occupy the position of Vice-President during two consecutive regular sessions.

When the votes are equally divided the President has a casting vote ; in elections he votes in the same manner as the other members.

ART. 83. Representatives in the Council of States receive a compensation from the Cantons.

C. POWERS OF THE FEDERAL ASSEMBLY.

ART. 84. The National Council and the Council of States consider all the subjects which the present Constitution places within the competence of the Confederation, and which are not assigned to any other federal authority.

ART. 85. The subjects within the competence of the two Councils are particularly the following :

1. Laws on the organization of and election of federal authorities.

2. Laws and ordinances on subjects which by the Constitution are placed within the federal competence.

3. The salary and compensation of members of the federal governing bodies and of the Federal Chancery ; the creation of federal offices and the determination of salaries therefor.

4. The election of the Federal Council, of the Federal Court, and of the Chancellor, and also of the Commander-in-chief of the federal army.

The Confederation may by law assign to the Federal Assembly other powers of election or of confirmation.

5. Alliances and treaties with foreign powers, and also the approval of treaties made by the Cantons between themselves or with foreign powers ; nevertheless the treaties made by the Cantons shall be brought before the Federal Assembly only in case the Federal Council or another Canton protests.

6. Measures for external safety and also for the maintenance of the independence and neutrality of Switzerland ; the declaration of war and the conclusion of peace.

7. The guaranty of the Constitution and of the territory of the Cantons ; intervention in consequence of such guaranty ;

measures for the internal safety of Switzerland, for the maintenance of peace and order; amnesty and pardon.

8. Measures for the preservation of the Constitution, for carrying out the guaranty of the cantonal constitutions, and for fulfilling federal obligations.

9. The power of controlling the federal army.

10. The determination of the annual budget, the audit of public accounts, and federal ordinances authorizing loans.

11. The superintendence of federal administration and of federal courts.

12. Protests against the decisions of the Federal Council upon administrative conflicts. (Art. 113.)

13. Conflicts of jurisdiction between federal authorities.

14. The amendment of the federal Constitution.

ART. 86. The two Councils assemble annually in regular session upon a day to be fixed by the standing orders.

They are convened in extra session by the Federal Council upon the request either of one fourth of the members of the National Council, or of five Cantons.

ART. 87. In either Council a quorum is a majority of the total number of its members.

ART. 88. In the National Council and in the Council of States a majority of those voting is required.

ART. 89. Federal laws, enactments, and resolutions shall be passed only by the agreement of the two Councils.

Federal laws shall be submitted for acceptance or rejection by the people, if the demand is made by 30,000 voters or by eight Cantons. The same principle applies to federal resolutions which have a general application, and which are not of an urgent nature.

ART. 90. The Confederation shall by law establish the forms and intervals to be observed in popular votes.

ART. 91. Members of either Council vote without instructions.

ART. 92. Each Council takes action separately. But in the case of the elections specified in Article 85, § 4, of pardons, or of deciding a conflict of jurisdiction (Art. 85, § 13), the two Councils meet in joint session, under the direction of the President of the National Council, and a decision is made by the majority of the members of both Councils present and voting.

ART. 93. Measures may originate in either Council, and may be introduced by any of their members.

The Cantons may by correspondence exercise the same right.

ART. 94. As a rule, the sittings of the Councils are public.

II. FEDERAL COUNCIL.

[*Conseil fédéral; Bundesrath.*]

ART. 95. The supreme direction and executive authority of the Confederation is exercised by a Federal Council, composed of seven members.

ART. 96. The members of the Federal Council are chosen for three years by the Councils in joint session from among all the Swiss citizens eligible to the National Council. But not more than one member of the Federal Council shall be chosen from the same Canton.

The Federal Council is chosen anew after each election of the National Council.

Vacancies which occur in the course of the three years are filled at the first ensuing session of the Federal Assembly, for the remainder of the term of office.

ART. 97. The members of the Federal Council shall not, during their term of office, occupy any other office, either in the service of the Confederation or in a Canton, or follow any other pursuit, or exercise a profession.

ART. 98. The Federal Council is presided over by the President of the Confederation. There is a Vice-President.

The President of the Confederation and the Vice-President of the Federal Council are chosen for one year by the Federal Assembly from among the members of the Council.

The retiring President shall not be chosen as President or Vice-President for the year ensuing.

The same member shall not hold the office of Vice-President during two consecutive years.

ART. 99. The President of the Confederation and the other members of the Federal Council receive an annual salary from the federal treasury.

ART. 100. A quorum of the Federal Council consists of four members.

ART. 101. The members of the Federal Council have the right to speak but not to vote in either house of the Federal Assembly, and also the right to make motions on the subject under consideration.

ART. 102. The powers and the duties of the Federal Council, within the limits of this Constitution, are particularly the following :

1. It conducts federal affairs, conformably to the laws and resolutions of the Confederation.

2. It takes care that the Constitution, federal laws and ordinances, and also the provisions of federal concordats, be observed ; upon its own initiative or upon complaint, it takes measures necessary to cause these instruments to be observed, unless the consideration of redress be among the subjects which should be brought before the Federal Court, according to Article 113.

3. It takes care that the guaranty of the cantonal constitutions be observed.

4. It introduces bills or resolutions into the Federal Assembly, and gives its opinion upon the proposals submitted to it by the Councils or the Cantons.

5. It executes the laws and resolutions of the Confederation and the judgments of the Federal Court, and also the compromises or decisions in arbitration upon disputes between Cantons.

6. It makes those appointments which are not assigned to the Federal Assembly, Federal Court, or other authority.

7. It examines the treaties made by Cantons with each other, or with foreign powers, and approves them, if proper. (Art. 85, § 5.)

8. It watches over the external interests of the Confederation, particularly the maintenance of its international relations, and is, in general, intrusted with foreign relations.

9. It watches over the external safety of Switzerland, over the maintenance of independence and neutrality.

10. It watches over the internal safety of the Confederation, over the maintenance of peace and order.

11. In cases of urgency, and when the Federal Assembly is not in session, the Federal Council has power to raise the necessary troops and to employ them, with the reservation that it shall immediately summon the Councils if the number of troops exceeds two thousand men, or if they remain in arms more than three weeks.

12. It administers the military establishment of the Confederation, and all other branches of administration committed to the Confederation.

13. It examines such laws and ordinances of the Cantons as must be submitted for its approval; it exercises supervision over such departments of the cantonal administration as are placed under its control.

14. It administers the finances of the Confederation, introduces the budget, and submits accounts of receipts and expenses.

15. It supervises the conduct of all the officials and employees of the federal administration.

16. It submits to the Federal Assembly at each regular session an account of its administration and a report of the condition of the Confederation, internal as well as external, and calls attention to the measures which it deems desirable for the promotion of the general welfare.

It also makes special reports when the Federal Assembly or either Council requires it.

ART. 103. The business of the Federal Council is distributed by departments among its members. This distribution has the purpose only of facilitating the examination and despatch of business; decisions emanate from the Federal Council as a single authority.

ART. 104. The Federal Council and its departments have power to call in experts on special subjects.

III. FEDERAL CHANCERY.

[*Chancellerie fédérale; Bundeskanzlei.*]

ART. 105. A Federal Chancery, at the head of which is placed the Chancellor of the Confederation, conducts the secretary's business for the Federal Assembly and the Federal Council.

The Chancellor is chosen by the Federal Assembly for the term of three years, at the same time as the Federal Council.

The Chancery is under the special supervision of the Federal Council.

A federal law shall provide for the organization of the Chancery.

IV. FEDERAL COURT.

[*Tribunal fédéral; Bundesgericht.*]

ART. 106. There shall be a Federal Court for the administration of justice in federal concerns.

There shall be, moreover, a jury for criminal cases. (Art. 112.)

ART. 107. The members and alternates of the Federal Court shall be chosen by the Federal Assembly, which shall take care that all three national languages are represented therein.

A law shall establish the organization of the Federal Court and of its sections, the number of judges and alternates, their term of office, and their salary.

ART. 108. Any Swiss citizen eligible to the National Council may be chosen to the Federal Court.

The members of the Federal Assembly and of the Federal Council, and officials appointed by those authorities, shall not at the same time belong to the Federal Court.

The members of the Federal Court shall not, during their term of office, occupy any other office, either in the service of the Confederation or in a Canton, nor engage in any other pursuit, nor practice a profession.

ART. 109. The Federal Court organizes its own Chancery and appoints the officials thereof.

ART. 110. The Federal Court has jurisdiction in civil suits:

1. Between the Confederation and the Cantons.
2. Between the Confederation on one part and corporations or individuals on the other part, when such corporations or individuals are plaintiffs, and when the amount involved is of a degree of importance to be determined by federal legislation.
3. Between Cantons.
4. Between Cantons on one part and corporations or individuals on the other part, when one of the parties demands it, and the amount involved is of a degree of importance to be determined by federal legislation.

It further has jurisdiction in suits concerning the status of persons not subjects of any government (*heimathlosat*), and the conflicts which arise between Communes of different Cantons respecting the right of local citizenship. [*Droit de cité.*]

ART. 111. The Federal Court is bound to give judgment in other cases when both parties agree to abide by its decision, and when the amount involved is of a degree of importance to be determined by federal legislation.

ART. 112. The Federal Court, assisted by a jury to decide upon questions of fact, has criminal jurisdiction in :

1. Cases of high treason against the Confederation, of rebellion or violence against federal authorities.
2. Crimes and misdemeanors against the law of nations.
3. Political crimes and misdemeanors which are the cause or the result of disturbances which occasion armed federal intervention.
4. Cases against officials appointed by a federal authority, where such authority relegates them to the Federal Court.

ART. 113. The Federal Court further has jurisdiction :

1. Over conflicts of jurisdiction between federal authorities on one part and cantonal authorities on the other part.
2. Disputes between Cantons, when such disputes are upon questions of public law.
3. Complaints of violation of the constitutional rights of citizens, and complaints of individuals for the violation of concordats or treaties.

Conflicts of administrative jurisdiction are reserved, and are to be settled in a manner prescribed by federal legislation.

In all the fore-mentioned cases the Federal Court shall apply the laws passed by the Federal Assembly and those resolutions of the Assembly which have a general import. It shall in like manner conform to treaties which shall have been ratified by the Federal Assembly.

ART. 114. Besides the cases specified in Articles 110, 112, and 113, the Confederation may by law place other matters within the jurisdiction of the Federal Court; in particular, it may give to that court powers intended to insure the uniform application of the laws provided for in Article 64

V. MISCELLANEOUS PROVISIONS.

ART. 115. All that relates to the location of the authorities of the Confederation is a subject for federal legislation.

ART. 116. The three principal languages spoken in Switzerland, German, French, and Italian, are national languages of the Confederation.

ART. 117. The officials of the Confederation are responsible for their conduct in office. A federal law shall enforce this responsibility.

CHAPTER III. AMENDMENT OF THE FEDERAL CONSTITUTION.

ART. 118. The Federal Constitution may at any time be amended.

ART. 119. Amendment is secured through the forms required for passing federal laws.

ART. 120. When either Council of the Federal Assembly passes a resolution for amendment of the Federal Constitution and the other Council does not agree; or when fifty thousand Swiss voters demand amendment, the question whether the Federal Constitution ought to be amended is, in either case, submitted to a vote of the Swiss people, voting yes or no.

If in either case the majority of the Swiss citizens who vote pronounce in the affirmative, there shall be a new election of both Councils for the purpose of preparing amendments.

ART. 121. The amended Federal Constitution shall be in force when it has been adopted by the majority of Swiss citizens who take part in the vote thereon and by a majority of the States.

In making up a majority of the States the vote of a Half-Canton is counted as half a vote.

The result of the popular vote in each Canton is considered to be the vote of the State.

TEMPORARY PROVISIONS.

ARTICLE 1. The proceeds of the posts and customs shall be divided upon the present basis, until such time as the Confederation shall take upon itself the military expenses up to this time borne by the Cantons.

Federal legislation shall provide, besides, that the loss which may be occasioned to the finances of certain Cantons by the sum of the charges which result from Articles 20, 30, 36 (§ 2), and 42 (e), shall fall upon such Cantons only gradually, and shall not attain its full effect till after a transition period of some years.

Those Cantons which, at the going into effect of Article 20 of the Constitution, have not fulfilled the military obligations which are imposed upon them by the former Constitution, or by federal laws, shall be bound to carry them out at their own expense.

ART. 2. The provisions of the federal laws and of the cantonal concordats, constitutions or cantonal laws, which are contrary to this Constitution, cease to have effect by the adoption of the Constitution or the publication of the laws for which it provides.

ART. 3. The new provisions relating to the organization and jurisdiction of the Federal Court take effect only after the publication of federal laws thereon.

ART. 4. A delay of five years is allowed to Cantons for the establishment of free instruction in primary public education. (Art. 27.)

ART. 5. Those persons who practice a liberal profession, and who, before the publication of the federal law provided for in Article 33, have obtained a certificate of competence from a Canton or a joint authority representing several Cantons, may pursue that profession throughout the Confederation.

ART. 6. [Amendment of Dec. 22, 1885.]

If a federal law for carrying out Article 32 (ii) be passed before the end of 1890, the import duties levied on spirituous liquors by the Cantons and Communes, according to Article 32, cease on the going into effect of such law.

If, in such case, the shares of any Canton or Commune, out of the sums to be divided, are not sufficient to equal the average annual net proceeds of the taxes they have levied on spirituous liquors in the years 1880 to 1884 inclusive, the Cantons and Communes affected shall, till the end of 1890, receive the amount of the deficiency out of the amount which is to be divided among the other Cantons according to population; and the remainder only shall be divided among such other Cantons and Communes, according to population.

The Confederation shall further provide by law that for such Cantons or Communes as may suffer financial loss through the effect of this amendment, such loss shall not come upon them immediately in its full extent, but gradually up to the year 1895. The indemnities thereby made necessary shall be previously taken out of the net proceeds designated in Article 32 (ii), paragraph 4.

Thus resolved by the National Council to be submitted to the popular vote of the Swiss people and of the Cantons.

Bern, January 31, 1874.

ZIEGLER, President.

SCHIESS, Secretary.

Thus resolved by the Council of States, to be submitted to the popular vote of the Swiss people and of the Cantons.

Bern, January 31, 1874.

A. KOPP, President.

J.-L. LUTSCHER, Secretary.

Of all the foreign federal constitutions now in operation, the most important for comparison with the Constitution of the United States is that of Switzerland. Switzerland is composed of the most ancient group of republics which still retain their republican institutions; it is also the oldest confederation now in existence; in many respects it bears a strong resemblance in government to the United States, and many problems common to both federations have been worked out in Switzerland in a manner most instructive to Americans.

The foundation of the Swiss Constitution is the old Swiss Federation which lasted from 1291 to 1798. The system of government was loose yet complicated. Privileged classes and inequalities between citizens and between districts prevented a strong feeling of union.

By the intervention of the French in 1798 a single centralized state was substituted for the thirteen old cantons. This government was so foreign to the spirit of the people that in 1803 Napoleon granted a moderately centralized federal government under the so-called Act of Mediation. At the downfall of the French Empire a looser confederation, not unlike that still existing in 1798, was substituted, and considerable additions of territory were made. The Constitution proved too narrow for the purposes of the nation, and did not prevent political and religious struggles, which culminated in civil war. In 1848 a new Constitution, modelled in many respects after that of the United States, was adopted. Still later, in 1874, under the influence of the triumph of the federal principle in the American Civil War and the foundation of the Canadian and German federations, that Constitution was remodelled in the form shown above. Several amendments have since been passed and incorporated into the body of the Constitution.

By far the best books in English on the constitutional history of Switzerland are: "*The Federal Government of Switzerland, An Essay on the Consti-*

tion," by Bernard Moses, San Francisco, 1889; and "*The Swiss Confederation*," by Sir Francis Ottiwell Adams and C. D. Cunningham, London and New York, 1889. Both books are elaborate descriptions and discussions of the workings of the Swiss government. Briefer accounts in English may be found in Woolsey's "*Political Science*," Vol. II, pp. 208-223; and in Woodrow Wilson's recent treatise on "*The State*," §§ 505-577. Edward Freeman in the introduction to his "*History of Federal Government*" (London, 1863) alludes to rather than describes the Swiss government, but his essay on "*Presidential Government*" (*National Review*, November, 1864; reprinted in his "*Historical Essays*") is an interesting and valuable comparison of the American and Swiss systems. A somewhat detailed historical account will be found in May's "*Democracy in Europe*," Vol. I, pp. 333-403. The article in the *Encyclopædia Britannica*, Ninth edition, may also be consulted. Statistical and political details for each year are best obtained in the annual "*Statesman's Year Book*." The topography of the country is excellently shown in Baedeker's standard "*Handbook of Switzerland*," which is revised every few years, and which abounds in local historical details.

The elaborate works on the Swiss Constitution are almost all in German. Oechsli in his "*Quellenbuch*," Zürich, 1886, gives the texts of all the documents embodying the Swiss Constitution from its foundation. Texts of present Constitutions, federal and cantonal, may be found in Demombyne's "*Constitutions Européennes*," Paris, 1881, Vol. II, pp. 271-320; and in the official "*Sammlung*" or "*Recueil*," Bern, 1880. The laws and resolutions of the Confederation, including constitutional amendments, are in the official "*Ämtliche Sammlung der Bundesgesetze und Verordnungen*," Bern, 1889. Meyer has issued a succession of works: "*Geschichte des schweizerischen Bundesrechts*," 1875 and 1878; "*Eidgenössische Bundesverfassung, Bundesgesetze und Bundesbeschlüsse*," 1876; "*Staats Kalender der schweizerischen Eidgenossenschaft*," 1880. Bluntschli has published a "*Staats und Rechts Geschichte der Schweiz*," 1849, and a more important "*Geschichte des schweizerischen Bundesrechts von den ersten ewigen Bunden bis auf die Gegenwart*," two vols., 1849-52, 2d edition, Vol. I, 1875. More useful are the compact treatises of Jacob Dubs, "*Das öffentliche Recht der schweizerischen Eidgenossenschaft*," 1877-78, two parts (also, in a French edition, "*Droit public de la Confédération Suisse*," Zurich, 1878), and of A. von Orelli, "*Das Staatsrecht der schweizerischen Eidgenossenschaft*" (in Marquardsen's "*Handbuch des öffentlichen Rechts*"), Freiburg, i, B., 1885. Dubs devotes himself to a critical discussion of the workings of the Constitution, with much information not usually to be found in legal works and with frequent references to the United States. The most voluminous work on Swiss history is Dändliker, "*Geschichte der Schweiz*," 3 vols., Zurich, 1884-1887.

In French two works need to be mentioned: A. Morin, "*Précis de l'Histoire Politique de la Suisse*," 5 vols., Geneva, 1856-1875; and Dareste's "*Constitutions Modernes*," Paris, 1883, *Vol. I*, pp. 439-469. There is also a Spanish work, by Moreno, "*Principales Constituciones o Instituciones Politicas . . . de la Confederacion Helvetica*," Madrid, 1881.

Brief bibliographies of the subject are in Wilson's "*State*," p. 333; the "*Statesman's Year Book*," end of article on Switzerland; Dubs' "*Droit public*," pp. 62-63; Oechsli, pp. 562-566; Dareste, *Vol. I*, p. 469.



The Bill of Rights.

AN ACT FOR DECLARING THE RIGHTS
AND LIBERTIES OF THE SUBJECT, AND
SETTLING THE SUCCESSION OF THE
CROWN. 1689.

Whereas the Lords Spiritual and Temporal, and Commons, assembled at Westminster, lawfully, fully, and freely representing all the estates of the people of this realm, did upon the Thirteenth day of February, in the year of our Lord One Thousand Six Hundred Eighty-eight [o. s.], present unto their Majesties, then called and known by the names and style of William and Mary, Prince and Princess of Orange, being present in their proper persons, a certain Declaration in writing, made by the said Lords and Commons, in the words following, viz.:

“Whereas the late King James II., by the assistance of divers evil counsellors, judges, and ministers employed by him, did endeavour to subvert and extirpate the Protestant religion, and the laws and liberties of this kingdom:

1. By assuming and exercising a power of dispensing with and suspending of laws, and the execution of laws, without consent of Parliament.

2. By committing and prosecuting divers worthy prelates for humbly petitioning to be excused from concurring to the said assumed power.

3. By issuing and causing to be executed a commission under the Great Seal for erecting a court, called the Court of Commissioners for Ecclesiastical Causes.

4. By levying money for and to the use of the Crown by pretence of prerogative, for other time and in other manner than the same was granted by Parliament.

5. By raising and keeping a standing army within this kingdom in time of peace, without consent of Parliament, and quartering soldiers contrary to law.

6. By causing several good subjects, being Protestants, to

be disarmed, at the same time when Papists were both armed and employed contrary to law.

7. By violating the freedom of election of members to serve in Parliament.

8. By prosecutions in the Court of King's Bench for matters and causes cognisable only in Parliament, and by divers other arbitrary and illegal causes.

9. And whereas of late years, partial, corrupt, and unqualified persons have been returned, and served on juries in trials, and particularly divers jurors in trials for high treason, which were not freeholders.

10. And excessive bail hath been required of persons committed in criminal cases, to elude the benefit of the laws made for the liberty of the subjects.

11. And excessive fines have been imposed; and illegal and cruel punishments inflicted.

12. And several grants and promises made of fines and forfeitures before any conviction or judgment against the persons upon whom the same were to be levied.

All which are utterly and directly contrary to the known laws and statutes, and freedom of this realm.

And whereas the said late King James II. having abdicated the government, and the throne being thereby vacant, his Highness the Prince of Orange (whom it hath pleased Almighty God to make the glorious instrument of delivering this kingdom from Popery and arbitrary power) did (by the advice of the Lords Spiritual and Temporal, and divers principal persons of the Commons) cause letters to be written to the Lords Spiritual and Temporal, being Protestants, and other letters to the several counties, cities, universities, boroughs, and cinque ports, for the choosing of such persons to represent them as were of right to be sent to Parliament, to meet and sit at Westminster upon the two-and-twentieth day of January, in this year One Thousand Six Hundred Eighty and Eight, in order to such an establishment, as that their religion, laws, and liberties might not again be in danger of being subverted; upon which letters elections have been accordingly made.

And thereupon the said Lords Spiritual and Temporal, and Commons, pursuant to their respective letters and elections, being now assembled in a full and free representation of this

nation, taking into their most serious consideration the best means for attaining the ends aforesaid, do in the first place (as their ancestors in like case have usually done) for the vindicating and asserting their ancient rights and liberties, declare :

1. That the pretended power of suspending of laws, or the execution of laws, by regal authority, without consent of Parliament, is illegal.

2. That the pretended power of dispensing with laws, or the execution of laws by regal authority, as it hath been assumed and exercised of late, is illegal.

3. That the commission for erecting the late Court of Commissioners for Ecclesiastical Causes, and all other commissions and courts of like nature, are illegal and pernicious.

4. That levying money for or to the use of the Crown by pretence and prerogative, without grant of Parliament, for longer time or in other manner than the same is or shall be granted, is illegal.

5. That it is the right of the subjects to petition the King, and all commitments and prosecutions for such petitioning are illegal.

6. That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against law.

7. That the subjects which are Protestants may have arms for their defence suitable to their conditions, and as allowed by law.

8. That election of members of Parliament ought to be free.

9. That the freedom of speech, and debates or proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament.

10. That excessive bail ought not to be required, nor excessive fines imposed ; nor cruel and unusual punishments inflicted.

11. That jurors ought to be duly impanelled and returned, and jurors which pass upon men in trials for high treason ought to be freeholders.

12. That all grants and promises of fines and forfeitures of particular persons before conviction are illegal and void.

13. And that for redress of all grievances, and for the

amending, strengthening, and preserving of the laws, Parliament ought to be held frequently.

And they do claim, demand, and insist upon all and singular the premises, as their undoubted rights and liberties; and that no declarations, judgments, doings or proceedings, to the prejudice of the people in any of the said premises, ought in any wise to be drawn hereafter into consequence or example.

To which demand of their rights they are particularly encouraged by the declaration of his Highness the Prince of Orange, as being the only means for obtaining a full redress and remedy therein.

Having therefore an entire confidence that his said Highness the Prince of Orange will perfect the deliverance so far advanced by him, and will still preserve them from the violation of their rights, which they have here asserted, and from all other attempts upon their religion, rights, and liberties:

II. The said Lords Spiritual and Temporal, and Commons, assembled at Westminster, do resolve, that William and Mary, Prince and Princess of Orange, be, and be declared, King and Queen of England, France, and Ireland, and the dominions thereunto belonging, to hold the crown and royal dignity of the said kingdoms and dominions to them the said Prince and Princess during their lives, and the life of the survivor of them; and that the sole and full exercise of the regal power be only in, and executed by, the said Prince of Orange, in the names of the said Prince and Princess, during their joint lives; and after their deceases, the said crown and royal dignity of the said kingdoms and dominions to be to the heirs of the body of the said Princess; and for default of such issue to the Princess Anne of Denmark, and the heirs of her body; and for default of such issue to the heirs of the body of the said Prince of Orange. And the Lords Spiritual and Temporal, and Commons, do pray the said Prince and Princess to accept the same accordingly.

III. And that the oaths hereafter mentioned be taken by all persons of whom the oaths of allegiance and supremacy might be required by law instead of them; and that the said oaths of allegiance and supremacy be abrogated.

‘I, A. B., do sincerely promise and swear, That I will be

faithful and bear true allegiance to their Majesties King William and Queen Mary :

‘So help me God.’

‘I, A. B., do swear, That I do from my heart abhor, detest, and abjure as impious and heretical that damnable doctrine and position, that princes excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare, that no foreign prince, person, prelate, state, or potentate hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm :

‘So help me God.’ ”

IV. Upon which their said Majesties did accept the crown and royal dignity of the kingdoms of England, France, and Ireland, and the dominions thereunto belonging, according to the resolution and desire of the said Lords and Commons contained in the said declaration.

V. And thereupon their Majesties were pleased, that the said Lords Spiritual and Temporal, and Commons, being the two Houses of Parliament, should continue to sit, and with their Majesties’ royal concurrence make effectual provision for the settlement of the religion, laws and liberties of this kingdom, so that the same for the future might not be in danger again of being subverted; to which the said Lords Spiritual and Temporal, and Commons, did agree and proceed to act accordingly.

VI. Now in pursuance of the premises, the said Lords Spiritual and Temporal, and Commons, in Parliament assembled, for the ratifying, confirming, and establishing the said declaration, and the articles, clauses, matters, and things therein contained, by the force of a law made in due form by authority of Parliament, do pray that it may be declared and enacted, That all and singular the rights and liberties asserted and claimed in the said declaration are the true, ancient, and indubitable rights and liberties of the people of this kingdom, and so shall be esteemed, allowed, adjudged, deemed, and taken to be, and that all and every the particulars aforesaid shall be firmly and strictly holden and observed, as they are expressed in the said declaration; and all officers and ministers whatso-

ever shall serve their Majesties and their successors according to the same in all times to come.

VII. And the said Lords Spiritual and Temporal, and Commons, seriously considering how it hath pleased Almighty God, in his marvellous providence, and merciful goodness to this nation, to provide and preserve their said Majesties' royal persons most happily to reign over us upon the throne of their ancestors, for which they render unto Him from the bottom of their hearts their humblest thanks and praises, do truly, firmly, assuredly, and in the sincerity of their hearts, think, and do hereby recognise, acknowledge, and declare, that King James II. having abdicated the Government, and their Majesties having accepted the Crown and royal dignity as aforesaid, their said Majesties did become, were, are, and of right ought to be, by the laws of this realm, our sovereign liege Lord and Lady, King and Queen of England, France, and Ireland, and the dominions thereunto belonging, in and to whose princely persons the royal state, crown, and dignity of the said realms, with all honours, styles, titles, regalities, prerogatives, powers, jurisdictions, and authorities to the same belonging and appertaining, are most fully, rightfully, and entirely invested and incorporated, united, and annexed.

VIII. And for preventing all questions and divisions in this realm, by reason of any pretended titles to the Crown, and for preserving a certainty in the succession thereof, in and upon which the unity, peace, tranquillity, and safety of this nation doth, under God, wholly consist and depend, the said Lords Spiritual and Temporal, and Commons, do beseech their Majesties that it may be enacted, established, and declared, that the Crown and regal government of the said kingdoms and dominions, with all and singular the premises thereunto belonging and appertaining, shall be and continue to their said Majesties, and the survivor of them, during their lives, and the life of the survivor of them. And that the entire, perfect, and full exercise of the regal power and government be only in, and executed by, his Majesty, in the names of both their Majesties, during their joint lives; and after their deceases the said Crown and premises shall be and remain to the heirs of the body of her Majesty: and for default of such issue, to her Royal Highness the Princess Anne of Denmark, and the

heirs of her body ; and for default of such issue, to the heirs of the body of his said Majesty : And thereunto the said Lords Spiritual and Temporal, and Commons, do, in the name of all the people aforesaid, most humbly and faithfully submit themselves, their heirs and posterities, for ever : and do faithfully promise, that they will stand to, maintain, and defend their said Majesties, and also the limitation and succession of the Crown herein specified and contained, to the utmost of their powers, with their lives and estates, against all persons whatsoever that shall attempt anything to the contrary.

IX. And whereas it hath been found by experience, that it is inconsistent with the safety and welfare of this Protestant kingdom to be governed by a Popish prince, or by any king or queen marrying a Papist, the said Lords Spiritual and Temporal, and Commons, do further pray that it may be enacted, That all and every person and persons that is, are, or shall be reconciled to, or shall hold communion with, the See or Church of Rome, or shall profess the Popish religion, or shall marry a Papist, shall be excluded, and be for ever incapable to inherit, possess, or enjoy the Crown and Government of this realm, and Ireland, and the dominions thereunto belonging, or any part of the same, or to have, use, or exercise, any regal power, authority, or jurisdiction within the same ; and in all and every such case or cases the people of these realms shall be and are hereby absolved of their allegiance, and the said Crown and government shall from time to time descend to, and be enjoyed by, such person or persons, being Protestants, as should have inherited and enjoyed the same, in case the said person or persons so reconciled, holding communion, or professing, or marrying, as aforesaid, were naturally dead.

X. And that every King and Queen of this realm, who at any time hereafter shall come to and succeed in the Imperial Crown of this kingdom, shall, on the first day of the meeting of the first Parliament, next after his or her coming to the Crown, sitting in his or her throne in the House of Peers, in the presence of the Lords and Commons therein assembled, or at his or her coronation, before such person or persons who shall administer the coronation oath to him or her, at the time of his or her taking the said oath (which shall first happen), make, subscribe, and audibly repeat the declaration mentioned in the

statute made in the thirteenth year of the reign of King Charles II., intituled "An Act for the more effectual preserving the King's person and Government, by disabling Papists from sitting in either House of Parliament." But if it shall happen that such King or Queen, upon his or her succession to the Crown of this realm, shall be under the age of twelve years, then every such King or Queen shall make, subscribe, and audibly repeat the said declaration at his or her coronation, or the first day of meeting of the first Parliament as aforesaid, which shall first happen after such King or Queen shall have attained the said age of twelve years.

XI. All which their Majesties are contented and pleased shall be declared, enacted, and established by authority of this present Parliament, and shall stand, remain, and be the law of this realm for ever; and the same are by their said Majesties, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the authority of the same, declared, enacted, or established accordingly.

XII. And be it further declared and enacted by the authority aforesaid, That from and after this present session of Parliament, no dispensation by *non obstante* of or to any statute, or any part thereof, shall be allowed, but that the same shall be held void and of no effect, except a dispensation be allowed of in such statute, and except in such cases as shall be specially provided for by one or more bill or bills to be passed during this present session of Parliament.

XIII. Provided that no charter, or grant, or pardon granted before the three-and-twentieth day of October, in the year of our Lord One thousand six hundred eighty-nine, shall be any ways impeached or invalidated by this Act, but that the same shall be and remain of the same force and effect in law, and no other, than as if this Act had never been made.

THE ACT OF SETTLEMENT.

1700.

1. That whosoever shall hereafter come to the possession of this Crown shall join in communion with the Church of England as by law established.

2. That in case the Crown and Imperial dignity of this realm shall hereafter come to any person not being a native of this kingdom of England, this nation be not obliged to engage in any war for the defence of any dominions or territories which do not belong to the Crown of England, without the consent of Parliament.

3. That no person who shall hereafter come to the possession of this Crown shall go out of the dominions of England, Scotland, or Ireland, without consent of Parliament.¹

4. That from and after the time that the further limitation by this Act shall take effect, all matters and things relating to the well governing of this kingdom, which are properly cognisable in the Privy Council by the laws and customs of this realm, shall be transacted there, and all resolutions taken thereupon shall be signed by such of the Privy Council as shall advise and consent to the same.²

5. That, after the said limitation shall take effect as aforesaid, no person born out of the kingdoms of England, Scotland, or Ireland, or the dominions thereunto belonging (although to be naturalised or made a denizen — except such as are born of English parents), shall be capable to be of the Privy Council, or a member of either House of Parliament, or to enjoy any office or place of trust, either civil or military, or to have any grant of lands, tenements, or hereditaments, from the Crown, to himself, or to any other or others in trust for him.

6. That no person who has an office or place of profit under the King, or receives a pension from the Crown, shall be capable of serving as a member of the House of Commons.³

¹ Repealed in the first year of George I.'s reign.

² Repealed by 4 Anne, c. 8, 6 Anne, c. 7.

³ Repealed in the fourth year of Anne's reign.

7. That, after the said limitation shall take effect as aforesaid, judges' commissions be made *quamdiu se bene gesserint*, and their salaries ascertained and established; but upon the address of both Houses of Parliament, it may be lawful to remove them.

8. That no pardon under the Great Seal of England be pleadable to an impeachment by the Commons in Parliament.

The Bill of Rights was an act of Parliament, passed in 1689, declaring the rights and liberties of the people and defining the power of the King and its conditions. It confirmed and embodied in itself the various clauses of the Declaration of Rights, which accompanied the offer of the crown to William and Mary, February 13, 1689. It reasserted and established the doctrine, asserted repeatedly by the English people in earlier times, but denied and defied by the Stuarts, that the crown was held by no "divine right," but by the will of the people and the people's Parliament. It was a new *Magna Charta*. The Revolution was the triumph of the Puritan principle, which had been eclipsed at the Restoration. It secured all that Hampden and Cromwell demanded against Charles I, it made absolute or arbitrary rule, such as the Stuarts attempted, thenceforth impossible, established the supremacy of Parliament, and made England practically almost a republic. "The Revolution," says Gardiner, "was more than a change of sovereigns. It was the rejection of the ideas of the minority of 1641, which had been adopted as sufficient at the Restoration, in favor of the idea of the supremacy of Parliament. Pym's political ideas were at last to be realized. The name and title of the King were to remain as they had been before. But it was to be clearly understood that if a serious difficulty ensued, the King was to give way to Parliament, and more especially to the House of Commons, by which the nation was more directly represented. Up to the Revolution, England was under a monarchy surrounded by certain constitutional checks, intended to prevent the will of the monarch from degenerating into arbitrary wilfulness. After the Revolution, England became practically a republic, in which the crown possessed various constitutional powers, intended to prevent the will of the representatives of the people from degenerating into arbitrary wilfulness."

"In his progress to the capital [upon the Restoration, in 1660] Charles passed in review the soldiers assembled on Blackheath. Betrayed by their

general, abandoned by their leaders, surrounded as they were by a nation in arms, the gloomy silence of their ranks awed even the careless King with a sense of danger. But none of the victories of the New Model were so glorious as the victory which it won over itself. Quietly and without a struggle, as men who bowed to the inscrutable will of God, the farmers and traders who had dashed Rupert's chivalry to pieces on Naseby field, who had scattered at Worcester the 'army of the aliens,' and driven into helpless flight the sovereign that now came 'to enjoy his own again,' who had renewed beyond sea the glories of Cressy and Agincourt, had mastered the Parliament, had brought a king to justice and the block, had given laws to England, and held even Cromwell in awe, became farmers and traders again, and were known among their fellow-men by no other sign than their greater soberness and industry. And with them Puritanism laid down the sword. It ceased from the long attempt to build up a kingdom of God by force and violence, and fell back on its truer work of building up a kingdom of righteousness in the hearts and consciences of men. It was from the moment of its seeming fall that its real victory began. As soon as the wild orgy of the Restoration was over, men began to see that nothing that was really worthy in the work of Puritanism had been undone. The revels of Whitehall, the skepticism and debauchery of courtiers, the corruption of statesmen, left the mass of Englishmen what Puritanism had made them — serious, earnest, sober in life and conduct, firm in their love of Protestantism and of freedom. In the Revolution of 1688 Puritanism did the work of civil liberty which it had failed to do in that of 1642. It wrought out through Wesley and the revival of the eighteenth century the work of religious reform which its earlier efforts had only thrown back for a hundred years. Slowly but steadily it introduced its own seriousness and purity into English society, English literature, English politics. The whole history of English progress since the Restoration, on its moral and spiritual sides, has been the history of Puritanism."— *Green*.

"The passing of the Bill of Rights in 1689 restored to the monarchy the character which it had lost under the Tudors and the Stuarts. The right of the people through its representatives to depose the King, to change the order of succession, and to set on the throne whom they would, was now established. All claim of divine right, or hereditary right independent of the law, was formally put an end to by the election of William and Mary. Since their day no English sovereign has been able to advance any claim to the crown save a claim which rested on a particular clause in a particular Act of Parliament. William, Mary and Anne were sovereigns simply by virtue of

the Bill of Rights. George the First and his successors have been sovereigns solely by virtue of the Act of Settlement. An English monarch is now as much the creature of an Act of Parliament as the pettiest tax-gatherer in his realm."—*Green*.

Macaulay's *History of England* is the great work upon the Revolution of 1688. That work is indeed simply a history of the causes, course and results of that Revolution. Its opening words will be remembered: "I purpose to write the history of England from the accession of King James the Second down to a time which is within the memory of men still living. I shall recount the errors which, in a few months, alienated a loyal gentry and priesthood from the House of Stuart. I shall trace the course of that revolution which terminated the long struggle between our sovereigns and their parliaments, and bound up together the rights of the people and the title of the reigning dynasty." From Macaulay's summary of the results of the Revolution of 1688, the following passage is taken: "This revolution, of all revolutions the least violent, has been of all revolutions the most beneficent. It finally decided the great question whether the popular element which had, ever since the age of Fitzwalter and De Montfort, been found in the English polity, should be destroyed by the monarchical element, or should be suffered to develop itself freely, and to become dominant. The strife between the two principles had been long, fierce, and doubtful. It had lasted through four reigns. It had produced seditions, impeachments, rebellions, battles, sieges, proscriptions, judicial massacres. Sometimes liberty, sometimes royalty, had seemed to be on the point of perishing. During many years one half of the energy of England had been employed in counteracting the other half. The executive power and the legislative power had so effectually impeded each other that the state had been of no account in Europe. The king-at-arms, who proclaimed William and Mary before Whitehall Gate, did in truth announce that this great struggle was over; that there was entire union between the throne and the Parliament; that England, long dependent and degraded, was again a power of the first rank; that the ancient laws by which the prerogative was bounded would thenceforth be held as sacred as the prerogative itself, and would be followed out to all their consequences; that the executive administration would be conducted in conformity with the sense of the representatives of the nation; and that no reform which the two houses should, after mature deliberation, propose, would be obstinately withstood by the sovereign. The Declaration of Rights, though it made nothing law which had not been law before, contained the germ of the law which gave religious freedom to

the Dissenter, of the law which secured the independence of the judges, of the law which limited the duration of Parliaments, of the law which placed the liberty of the press under the protection of juries, of the law which prohibited the slave-trade, of the law which abolished the sacramental test, of the law which relieved the Roman Catholics from civil disabilities, of the law which reformed the representative system, of every good law which has been passed during a hundred and sixty years, of every good law which may hereafter, in the course of ages, be found necessary to promote the public weal, and to satisfy the demands of public opinion."

Bishop Burnet's *History of his Own Times* is the most important original authority for the period of the Revolution. Macaulay considered Burnet a "rash and partial" writer, but he was a most learned, industrious and earnest writer, and his works are of very great value. He was the personal friend of William of Orange, and accompanied him in his invasion of England, in the capacity of chaplain. In his interesting account of the landing at Torbay, he says: "As soon as I landed, I made what haste I could to the place where the prince was; who took me heartily by the hand, and asked me, if I would not now believe predestination. I told him, I would never forget that providence of God which had appeared so signally on this occasion. He was cheerfuller than ordinary. Yet he returned soon to his usual gravity."

Evelyn's *Memoirs*, of which Sir Walter Scott said that he "had never seen so rich a mine," also cover the period of the English Revolution. Evelyn was born in 1620, five years before Charles I became king, and lived four years after the death of William. The life of Sir William Temple, to whom Macaulay has devoted one of his longest and most important essays, falls within this time.

Hallam's *Constitutional History of England*, chaps. xiv and xv, discusses the Revolution with great thoroughness and impartiality. This discussion and that by Ranke, in his *History of England in the Seventeenth Century*, vol. iv, will be read by the careful student. There are two brief histories of the Revolution which are commended to the young people — *The Fall of the Stuarts*, by Rev. E. Hale, in the "Epochs of History" series, and the *History of the English Revolution of 1688*, by Charles Duke Yonge. "Macaulay's brilliant narrative of that great event," says the latter writer in his preface, "is too long for ordinary students; the account given in even the best school history is unavoidably far too short; while the work of Hallam touches only the constitutional points, the purely historical events not coming within his plan. It seemed, therefore, that a narrative which should at once be full enough to give an adequate knowledge of the Revolu-

tion in its historical and constitutional aspects, and yet not so minute or prolix as to dishearten or deter the ordinary reader from approaching the subject, might be of use to both pupils and teachers."

1688, the year of the English Revolution, the final overthrow of the Stuarts, was twenty-eight years after the Restoration of Charles II, which brought the Puritan period to an end. It was just forty years after the Peace of Westphalia, which ended the Thirty Years' War on the Continent. The Thirty Years' War began the year (1618) that Raleigh laid down his head on the block in Palace Yard, the victim of James I, and ended the year before Charles I came to the scaffold in Whitehall, thus being exactly synchronous with the long struggle of Parliament with the Stuarts, out of which came the Commonwealth. Milton and Marvell, the Puritan poets, had been dead, the one fourteen years, the other ten, in 1688. Sir Harry Vane had suffered two years after the Restoration. Bunyan, whose *Pilgrim's Progress* had been published ten years, died in this same year, 1688. Baxter died three years later. Baxter had been a chaplain in the army of Parliament after the battle of Naseby. Three years before the Revolution he had been tried before Judge Jeffreys and imprisoned. That was the year of the famous "Bloody Assizes." Lord William Russell and Algernon Sidney, the noble republican, infamously condemned for participation in the "Rye House plot," had both been executed five years before the Revolution. Ralph Cudworth and Henry More, the Cambridge Platonists, died, the former the year of the Revolution, the latter the year before. Alexander Pope was born this year, 1688. Emanuel Swedenborg was born at Stockholm the same year, dying in London just before our Revolution. Richardson, the novelist, was born the next year. Dryden had been poet laureate twenty years; he had published *The Hind and the Panther* the year before, 1687. Newton had published his *Principia* at the same time. Swift, his studies at Trinity College, Dublin, ended, came over to England in the year of the Revolution. Daniel Defoe, the author of *Robinson Crusoe*, then a young man a little older than Swift, joined the Prince of Orange's army. Defoe was born in 1661, the year after the Restoration. The Great Plague, of which he afterwards wrote so vivid an account, occurred when he was only four years old. That was the first of a rapid series of terrible afflictions for London. The Great Fire came the next year, 1666; and it was the year after that that De Ruyter sailed up the Thames and threatened the city. Addison, in 1688, was an

Oxford student. Isaac Watts was only a boy of fourteen, but already making verses. George Fox, the Quaker, was nearing the end of his life. His friend, William Penn, who had much influence with James II, and who had just founded Pennsylvania, is now back in England. Christopher Wren is building St. Paul's cathedral. Greenwich Observatory had just been founded, and Flamsteed, the first astronomer-royal, for whose use it was built (it was called Flamsteed House at first), was making the first trustworthy catalogue of the fixed stars. The *Habeas Corpus Act* had been passed about ten years before; and the terms "Whig" and "Tory" had come into use at the same time. Before William's reign was over, the Society for the Propagation of the Gospel in Foreign Parts was founded, the Bank of England was incorporated, and England was visited by Peter the Great, who was already Czar of Russia in 1688. The ruins of Pompeii were discovered just at the time of the Revolution. In France, the classical literary period was coming to an end. Corneille had been dead four years, Moliere about ten years longer, Pascal about ten years longer still; Pascal, who so earnestly opposed the Jesuits in France, died the same year (1662) that Sir Harry Vane died on the scaffold in England. Racine, the most admired of the French dramatists, was still living in 1688; his greatest work, *Athalie*, appeared just after the Revolution, and he died near the close of William's reign. Bossuet was living, and published his famous work on Protestantism this very year, 1688. Montesquieu, whose work on *The Spirit of Laws* was more cited than any other work by the framers of our own Constitution, was born the next year, and Voltaire soon afterwards. Madame de Sévigné, now sixty, was living in Paris, writing letters to her "infinitely dear child." Fenelon had just formed the acquaintance of Madame Guyon, and his controversy with Bossuet over Madame Guyon's "Quietism" began presently. Louis the Fourteenth was King of France. It was the time of John Sobieski in Poland. It was the time of Sir Edmund Andros and the struggle for the Charter in Massachusetts, the time too of the witchcraft horror. In Germany, Bach and Händel had just been born, both in the same year, 1685. This is a good point to remember in the history of music. In connection with the history of philosophy, it is easy to remember that John Locke, who had been exiled in Holland, came back to England in the fleet that conveyed the Princess of Orange. He had finished his great work, the *Essay on the Human Understanding*, in Holland, the year before the Revolution, and his first letter on *Toleration* appeared the year after the Revolution. The student of American history will remember that it was John Locke who framed the constitution of Carolina, while Charles II was King. Berkeley, who was influenced by Locke and who also is interesting to the student of American history on account of his residence in Rhode Island and his "Westward the course of Empire," etc., was a boy of four in 1688. Hobbes

was born just a century before Locke came back from Holland with his book, the very year of the Armada. Locke was born in 1632, just a century before the birth of Washington. Spinoza was born at Amsterdam the same year, which was the year that Gustavus Adolphus fell at Lützen; but he died at the age of forty-four, while Locke lived until 1704, just a century before the death of Kant. It will be remembered that Spinoza corresponded with Leibnitz, then a young man, and sent him the manuscript of his *Ethics*. Spinoza's first important philosophical work was his abridgment of the *Meditations* of Descartes, which he wrote at Rhynsburg near Leyden. It was in retirement near Leyden that Descartes had written nearly all of his important works, while Spinoza was yet a boy.



Coronado's Letter to Mendoza,

August 3, 1540.

THE RELATION OF FRANCIS VAZQUEZ DE CORONADO, CAPTAINE GENERALL OF THE PEOPLE WHICH WERE SENT IN THE NAME OF THE EMPEROURS MAIESTIE TO THE COUNTRY OF CIBOLA NEWLY DISCOVERED, WHICH HE SENT TO DON ANTONIO DE MENDOZA VICEROY OF MEXICO, OF SUCH THINGS AS HAPPENED IN HIS VOYAGE FROM THE 22. OF APRILL IN THE YEERE 1540. WHICH DEPARTED FROM CULIACAN FORWARD, AND OF SUCH THINGS AS HEE FOUND IN THE COUNTRY WHICH HE PASSED.

CHAP. I.

Francis Vazquez departeth with his armie from Culiacan, and after diuers troubles in his voyage, arriueth at the valley of the people called Los Caracones, which he findeth barren of Maiz: for obtaining whereof hee sendeth to the valley called The valley of the Lord: he is informed of the greatnesse of the valley of the people called Caracones, and of the nature of those people, and of certaine Islands lying along that coast.

THE 22. of the moneth of Aprill last past I departed from the prouince of Culiacan with part of the army, and in such order as I mentioned vnto your Lordship, and according to the successe I assured my selfe, by all likelihood that I shall not bring all mine armie together in this enterprise: because the troubles haue bene so great and the want of victuals, that I thinke all this yeere wil not be sufficient to performe this enterprise, & if it should bee performed in so short a time, it would be to the great losse of our people. For as I wrote vnto your Lordship, I was fourescore dayes in traauiling to Culiacan, in all which time I and those Gentlemen my companions which were horsemen, carried on our backs, and on our horses, a little victuall, so that from henceforward wee carried none other needefull apparell with vs, that was aboue a pound weight: and all this notwithstanding, and though wee put our

selues to such a small proportion of victuals which wee carried, for all the order that possibly wee could take, wee were driuen to our ships. And no maruayle, because the way is rough and long: and with the carriage of our Harquebuses downe the mountaines and hilles, and in the passage of Riuers, the greater part of our corne was spoyled. And because I send your Lordship our voyage drawn in a Mappe, I will speake no more thereof in this my letter.

Thirtie leagues before wee arriued at the place which the father prouinciall tolde vs so well of in his relation, I sent Melchior Diaz before with fifteene horses, giuing him order to make but one dayes iourney of two, because hee might examine all things, against mine arriuall: who trauailed foure dayes iourney through exceeding rough Mountaines where hee found neither victuals, nor people, nor information of any things, sauing that hee found two or three poore little villages, containing 20. or 30. cottages a piece, and by the inhabitants thereof hee vnderstoode that from thence forward there were nothing but exceeding rough mountaines which ran very farre, vtterly disinhabited and voyd of people. And because it was labour lost, I would not write vnto your Lordship therof.

It griued the whole company, that a thing so highly commended, and whereof the father had made so great bragges, should be found so contrary, and it made them suspect that all the rest would fall out in like sort. Which when I perceiued I sought to encourage them the best I coulde, telling them that your Lordshippe alwayes was of opinion, that this voyage was a thing cast away, and that wee should fixe our cogitation vpon those seuen Cities, and other prouinces, whereof wee had knowledge: that there should bee the ende of our enterprise: and with this resolution and purpose wee all marched cheerefully through a very badde way which was not passable but one by one, or else wee must force out with Pioners the path which wee founde, wherewith the Souldiours were not a little offended, finding all that the Frier had sayde to bee quite contrary: for among other things which the father sayde and affirmed, this was one, that the way was plaine and good, and that there was but one small hill of halfe a league in length. And yet in trueth there are mountaines which although the way were well mended could not bee passed without great danger of breaking the horses neckes: and the way was such, that of the cattell which your Lordship sent vs for the prouision of our armie wee lost a great part in the voyage through the roughnesse of the rockes. The lambes and sheepe lost their hoofes in the way:

and of those which I brought from Culiacan, I left the greater part at the Riuer of Lachimi, because they could not keepe company with vs, and because they might come softly after vs, foure men on horsebacke remained with them which are nowe come vnto vs, and haue brought vs not past foure and twentie lambes, and foure sheepe, for all the rest were dead with trauiiling through that rough passage, although they trauailed but two leagues a day, and rested themselues euery day.

At length I arriued at the valley of the people called Caracones, the 26. day of the moneth of May: and from Culiacan vntill I came thither, I could not helpe my selfe, saue onely with a great quantitie of bread of Maiz: for seeing the Maiz in the fieldes were not yet ripe, I was constrained to leaue them all behind me. In this valley of the Caracones wee found more store of people than in any other part of the Countrey which wee had passed, and great store of tillage. But I vnderstood that there was store thereof in another valley called The Lords valley, which I woulde not disturbe with force, but sent thither Melchior Diaz with wares of exchange to procure some, and to giue the sayde Maiz to the Indians our friendes which wee brought with vs, and to some others that had lost their cattell in the way, and were not able to carry their victuals so farre which they brought from Culiacan. It pleased God that wee gate some small quantitie of Maiz with this traffique, whereby certaine Indians were releiued and some Spanyards.

And by that time that wee were come to this valley of the Caracones, some tenne or twelue of our horses were dead through wearinesse: for being ouercharged with great burdens, and hauing but little meate, they could not endure the trauaile. Likewise some of our Negros and some of our Indians dyed here; which was no small want vnto vs for the performance of our enterprise. They tolde me that this valley of the Caracones is fiue dayes iourney from the Western Sea. I sent for the Indians of the Sea coast to vnderstand their estate, and while I stayed for them the horses rested: and I stayed there foure dayes, in which space the Indians of the Sea coast came vnto mee: which told mee, that two dayes sayling from their coast of the Sea, there were seuen or eight Islands right ouer against them, well inhabited with people, but badly furnished with victuals, and were a rude people: And they told mee, that they had seene a Shippe passe by not farre from the shore: which I wote not what to thinke whither it were one of those that went to discouer the Countrey, or else a Ship of the Portugals.

CHAP. 2.

They come to Chichilticale: after they had rested themselues two dayes there, they enter into a Countrey very barren of victuals, and hard to trauaile for thirtie leagues, beyond which they found a Countrey very pleasant, and a riuer called Río del Lino, they fight with the Indians being assaulted by them, and with victorie vanquishing their citie, they relieved themselues of their pinching hunger.

I Departed from the Caracones, and alwayes kept by the Sea coast as neere as I could iudge, and in very deed I still found my selfe the farther off: in such sort that when I arriued at Chichilticale I found myselfe tenne dayes iourney from the Sea: and the father prouinciall sayd that it was onely but fife leagues distance, and that hee had seene the same. Wee all conceiued great grieffe and were not a little confounded, when we saw that wee found euery thing contrary to the information which he had giuen your Lordship.

The Indians of Chichilticale say, that if at any time they goe to the Sea for fish, and other things that they carry, they goe trauersing, and are tenne dayes iourney in going thither. And I am of opinion that the information which the Indians giue me should be true. The sea returneth toward the West right ouer against the Coracones the space of tenne or twelue leagues. Where I found that your Lordships ships were seene, which went to discouer the hauen of Chichilticale, which father Marcus of Niça sayd to bee in fife and thirtie degrees. God knoweth what grieffe of mind I haue sustained: because I am in doubt that some mishappe is fallen vnto them: and if they follow the coast, as they sayde they would, as long as their victuals last which they carry with them, whereof I left them store in Culiacan, and if they be not fallen into some misfortune, I hope well in God that by this they haue made some good discouerie, and that in this respect their long staying out may be pardoned.

I rested myselfe two dayes in Chichilticale, and to haue done well I should haue stayed longer, in respect that here wee found our horses so tyred: but because wee wanted victuals, wee had no leasure to rest any longer: I entred the confines of the desert Countrey on Saint Johns eue, and to refresh our former trauailes, the first dayes we founde no grasse, but worsen way of mountaines and badde passages, then wee had passed alreadie: and the horses being tired, were greatly molested therewith: so that in this last desert wee lost more horses then wee had lost before: and some of my Indians which were our friendes dyed, and one Spaniard whose name was Spinosa; and two Negroes, which dyed with eating certaine herbes for lacke

of victuals. From this place I sent before mee one dayes iourney the master of the fielde Don Garcia Lopez de Cardenas with fifteene horses to discover the Countrey, and prepare our way: wherein hee did like himselfe, and according to the confidence which your Lordship reposed in him. And well I wote he fayled not to do his part: for as I haue enformed your Lordship, it is most wicked way, at least thirtie leagues and more, because they are inaccessible mountaines.

But after wee had passed these thirtie leagues, wee found fresh riuers, and grasse like that of Castile, and specially of that sort which we call Scaramoio, many Nutte trees and Mulberie trees, but the Nutte trees differ from those of Spayne in the leafe: and there was Flaxe, but chiefly neere the bankes of a certayne riuier which therefore wee called El Rio del Lino, that is say, the riuier of Flaxe: wee found no Indians at all for a dayes trauaile, but afterward foure Indians came out vnto vs in peaceable maner, saying that they were sent euen to that desert place to signifie vnto vs that wee were welcome, and that the next day all the people would come out to meete vs on the way with victuals: and the master of the fielde gaue them a crosse, willing them to signifie to those of their citie that they should not feare, and they should rather let the people stay in their houses, because I came onely in the name of his Maiestie to defend and ayd them.

And this done, Fernando Aluarado returned to aduertise mee that certaine Indians were come vnto them in peaceable maner, and that two of them stayed for my comming with the master of the fielde. Whereupon I went vnto them and gaue them beades and certaine short clokes, willing them to returne vnto their citie, and bid them to stay quiet in their houses, and feare nothing. And this done I sent the master of the field to search whether there were any bad passage which the Indians might keepe against vs, and that hee should take and defend it vntill the next day that I shoulde come thither. So hee went, and found in the way a very bad passage, where wee might haue sustayned very great harme: wherefore there hee seated himselfe with his company that were with him: and that very night the Indians came to take that passage to defend it, and finding it taken, they assaulted our men there, and as they tell mee, they assaulted them like valiant men; although in the ende they retired and fledde away; for the master of the fielde was watchfull, and was in order with his company: the Indians in token of retreate sounded on a certaine small trumpet, and did no hurt among the Spanyards. The very same night the

master of the fildes certified mee hereof. Whereupon the next day in the best order that I could I departed in so great want of victuall, that I thought that if wee should stay one day longer without foode, wee should all perish for hunger, especially the Indians, for among vs all we had not two bushels of corne: wherefore it behooued mee to pricke forward without delay. The Indians here and there made fires, and were answered againe afarre off as orderly as wee for our liues could haue done, to giue their fellowes vnderstanding, how wee marched and where we arriued.

As soone as I came within sight of this citie of Granada, I sent Dôn Garcias Lopez Campemaster, frier Daniel, and frier Luys, and Fernando Vermizzo somewhat before with certaine horsemen, to seeke the Indians and to aduertise them that our comming was not to hurt them, but to defend them in the name of the Emperour our Lord, according as his maiestie had giuen vs in charge: which message was deliuered to the inhabitants of that countrey by an interpreter. But they like arrogant people made small account thereof; because we seemed very few in their eyes, and that they might destroy vs without any difficultie; and they strooke frier Luys with an arrow on the gowne, which by the grace of God did him no harme.

In the meane space I arriued with all the rest of the horsemen, and footemen, and found in the fieldes a great sort of the Indians which beganne to shoote at vs with their arrowes: and because I would obey your will and the commaund of the Marques, I woulde not let my people charge them, forbidding my company, which intreated mee that they might set vpon them, in any wise to prouoke them, saying that that which the enemies did was nothing, and that it was not meete to set vpon so fewe people. On the other side the Indians perceiuing that wee stirred not, tooke great stomacke and courage vnto them: insomuch that they came hard to our horses heeles to shoote at vs with their arrowes. Whereupon seeing that it was now time to stay no longer, and that the friers also were of the same opinion, I set vpon them without any danger: for suddenly they fled part to the citie which was neere and well fortified, and other into the field, which way they could shift: and some of the Indians were slaine, and more had beene if I would haue suffered them to haue bene pursued.

But considering that hereof wee might reape but small profite, because the Indians that were without, were fewe, and those which were retired into the citie, with them which stayed within at the first were many, where the victuals were whereof

wee had so great neede, I assembled my people, and deuided them as I thought best to assault the citie, and I compassed it about: and because the famine which wee sustained suffered no delay, my selfe with certaine of these gentlemen and souldiers put our selues on foote, and commaunded that the crossebowes and harquebusiers shoulde giue the assault, and shoulde beate the enemies from the walles, that they might not hurt vs, and I assaulted the walles on one side, where they tolde me there was a scaling ladder set vp, and that there was one gate: but the crossebowmen suddenly brake the strings of their bowes, and the harquebusiers did nothing at all: for they came thither so weake and feeble, that scarcely they coulde stand on their feete: and by this meanes the people that were aloft on the wals to defend the towne were no way hindered from doing vs all the mischief they could: so that twise they stroke mee to the ground with infinite number of great stones, which they cast downe: and if I had not beene defended with an excellent good headpiece which I ware, I thinke it had gone hardly with mee: neuerthesse my companie tooke mee vp with two small wounds in the face, and an arrowe sticking in my foote, and many blowes with stones on my armes and legges, and thus I went out of the battell very weake. I thinke that if Don Garcias Lopez de Cardenas the second time that they strooke mee to the ground had not succoured mee with striding ouer mee like a good knight, I had beene in farre greater danger then I was. But it pleased God that the Indians yeelded themselues vnto vs, and that this citie was taken: and such store of Maiz was found therein, as our necessitie required. The Master of the felde, and Don Pedro de Touar, and Fernando de Aluarado, and Paul de Melgosa Captaines of the footemen escaped with certaine knocks with stones: though none of them were wounded with arrowes, yet Agoniez Quarez was wounded in one arme with the shot of an arrowe, and one Torres a townesman of Panuco was shot into the face with another, and two footemen more had two small woundes with arrowes. And because my armour was gilded and glittering, they all layd load on mee, and therefore I was more wounded than the rest, not that I did more than they, or put my selfe forwarder than the rest, for all these Gentlemen and souldiers carried themselues as manfully as was looked for at their hands. I am nowe well recovered I thanke God, although somewhat bruised with stones. Likewise in the skirmish which wee had in the fieldes, two or three other souldiers were hurt, and three horses slaine, one of Don Lopez, the other of Viliega and the third of Don Alonzo Manrique, and seuen

or eight other horses were wounded ; but both the men and horses are whole and sound.

CHAP. 3.

Of the situation and state of the seuen cities called the kingdome of Cibola, and of the customes and qualities of those people, and of the beasts which are found there.

IT remaineth now to certifie your Honour of the seuen cities, and of the kingdomes and prouinces whereof the Father prouinciall made report vnto your Lordship. And to bee brieue, I can assure your honour, he sayd the trueth in nothing that he reported, but all was quite contrary, sauing onely the names of the cities, and great houses of stone : for although they bee not wrought with Turqueses, nor with lyme, nor bricke, yet are they very excellent good houses of three or foure or fife lofts high, wherein are good lodgings and faire chambers with lathers instead of staires, and certaine cellars vnder the ground very good and pauered, which are made for winter, they are in maner like stooues : and the lathers which they haue for their houses are all in a maner moouable and portable, which are taken away and set downe when they please, and they are made of two piéces of wood with their steppes, as ours be. The seuen cities are seuen small townes, all made with these kinde of houses that I speake of : and they stand all within foure leagues together, and they are all called the kingdome of Cibola, and euery one of them haue their particular name : and none of them is called Cibola, but altogether they are called Cibola. And this towne which I call a citie, I haue named Granada, as well because it is somewhat like vnto it, as also in remembrance of your lordship. In this towne where I nowe remaine, there may be some two hundred houses, all compassed with walles, and I thinke that with the rest of the houses which are not so walled, they may be together fife hundred. There is another towne neere this, which is one of the seuen, & it is somewhat bigger than this, and another of the same bignes that this is of, and the other foure are somewhat lesse : and I send them all painted vnto your lordship with the voyage. And the parchment wherein the picture is, was found here with other parchments. The people of this towne seeme vnto me of a reasonable stature, and wittie, yet they seeme not to bee such as they should bee, of that iudgement and wit to builde these houses in such sort as they are. For the most part they goe all naked, except their priuie partes which are couered :

and they haue painted mantles like those which I send vnto your lordship. They haue no cotton wooll growing, because the countrey is colde, yet they weare mantels thereof as your honour may see by the shewe thereof: and true it is that there was found in their houses certaine yarne made of cotton wooll. They weare their haire on their heads like those of Mexico, and they are well nurtured and condicioned: And they haue Turqueses I thinke good quantitie, which with the rest of the goods which they had, except their corne, they had conueyed away before I came thither: for I found no women there, nor no youth vnder fiftene yeeres olde, nor no olde folkes aboue sixtie, sauing two or three olde folkes, who stayed behinde to gouerne all the rest of the youth and men of warre. There were found in a certaine paper two poynts of Emralds, and certaine small stones broken which are in colour somewhat like Granates very bad, and other stones of Christall, which I gaue one of my seruants to lay vp to send them to your lordship, and hee hath lost them as hee telleth me. Wee found heere Guinie cockes, but fewe. The Indians tell mee in all these seuen cities, that they eate them not, but that they keepe them onely for their feathers. I beleue them not, for they are excellent good, and greater then those of Mexico. The season which is in this countrey, and the temperature of the ayre is like that of Mexico: for sometime it is hotte, and sometime it raineth: but hitherto I neuer sawe it raine, but once there fell a little showre with winde, as they are woont to fall in Spaine.

The snow and cold are woont to be great, for so say the inhabitants of the Countrey: and it is very likely so to bee, both in respect to the maner of the Countrey, and by the fashion of their houses, and their furies and other things which this people haue to defend them from colde. There is no kind of fruit nor trees of fruite. The Countrey is all plaine, and is on no side mountainous: albeit there are some hillie and bad passages. There are small store of Foules: the cause whereof is the colde, and because the mountaine's are not neere. Here is no great store of wood, because they haue wood for their fuell sufficient foure leagues off from a wood of small Cedars. There is most excellent grasse within a quarter of a league hence, for our horses as well to feede them in pasture, as to mowe and make hay, whereof wee stoode in great neede, because our horses came hither so weake and feeble. The victuals which the people of this countrey haue, is Maiz, whereof they haue great store, and also small white Pease: and Venison, which by all likelyhood they feede vpon, (though they

say no) for wee found many skinnes of Deere, of Hares, and Conies. They eate the best cakes that euer I sawe, and euery body generally eateth of them. They haue the finest order and way to grinde that wee euer sawe in any place. And one Indian woman of this countrey will grinde as much as foure women of Mexico. They haue most excellent salte in kernell, which they fetch from a certaine lake a dayes iourney from hence. They haue no knowledge among them of the North Sea, nor of the Western Sea, neither can I tell your lordship to which wee bee neerest: But in reason they should seeme to bee neerest to the Western Sea: and at the least I thinke I am an hundred and fiftie leagues from thence: and the Northern Sea should bee much further off. Your lordship may see howe broad the land is here. Here are many sorts of beasts, as Beares, Tigers, Lions, Porkespicks, and certaine Sheep as bigge as an horse, with very great hornes and little tailes, I haue seene their hornes so bigge, that it is a wonder to behold their greatnesse. Here are also wilde goates whose heads likewise I haue seene, and the pawes of Beares, and the skins of wilde Bores. There is game of Deere, Ounces, and very great Stagges: and all men are of opinion that there are some bigger than that beast which your lordship bestowed vpon me, which once belonged to Iohn Melaz. They trauell eight dayes iourney vnto certaine plaines lying toward the North Sea. In this countrey there are certaine skinnes well dressed, and they dresse them and paint them where they kill their Oxen, for so they say themselues.

CHAP. 4.

Of the state and qualities of the kingdomes of Totonteac, Marata, and Acus, quite contrary to the relation of Frier Marcus. The conference which they haue with the Indians of the citie of Granada which they had taken, which had fiftie yeres past foreseene the comming of the Christians into their countrey. The relation which they haue of other seuen cities, whereof Tucano is the principall, and how he sent to discouer them. A present of diuers things had in these countreys sent vnto the Viceroy Mendoza by Vasques de Coronado.

THE kingdome of Totonteac so much extolled by the Father prouinciall, which sayde that there were such wonderfull things there, and such great matters, and that they made cloth there, the Indians say is an hotte lake, about which are fve or sixe houses; and that there were certaine other, but that they are ruinated by warre. The kingdome of Marata is not to be found, neither haue the Indians any knowledge thereof. The

kingdome of Acus is one onely small citie, where they gather cotton which is called Acucu. And I say that this is a towne. For Acus with an aspiration nor without is no word of the countrey. And because I gesse that they would deriue Acucu of Acus, I say that it is this towne whereinto the kingdom of Acus is conuerted. Beyond this towne they say there are other small townes which are neere to a riuer which I haue seene and haue had report of by the relation of the Indians. I would to God I had better newes to write vnto your lordship: neuertheless I must say the trueth: And as I wrote to your lordship from Culiacan, I am now to aduertise your honour as wel of the good as of the bad. Yet this I would haue you bee assured, that if all the riches and the treasures of the world were heere, I could haue done no more in the seruice of his Maiestie and of your lordshippe, than I haue done in comming hither whither you haue sent mee, my selfe and my companions carrying our victuals vpon our shoulders and vpon our horses three hundred leagues; and many dayes going on foote trauailing ouer hilles and rough mountaines, with other troubles which I cease to mention, neither purpose I to depart vnto the death, if it please his Maiestie and your lordship that it shall be so.

Three dayes after this citie was taken, certaine Indians of these people came to offer mee peace, and brought mee certaine Turquestes, and badde mantles, and I receiued them in his Maiesties name with all the good speeches that I could deuise, certifying them of the purpose of my comming into this countrey, which is in the name of his Maiestie, and by the commaundement of your Lordship, that they and all the rest of the people of this prouince should become Christians, and should knowe the true God for their Lorde, and receiue his Maiestie for their King and earthly Soueraigne: And herewithall they returned to their houses, and suddenly the next day they set in order all their goods and substance, their women and children, and fled to the hilles, leauing their townes as it were abandoned, wherein remained very fewe of them. When I sawe this, within eight or tenne dayes after being recouered of my woundes, I went to the citie, which I sayde to bee greater then this where I am, and found there some fewe of them, to whom I sayde that they should not be afayd, and that they should call their gouernour vnto mee: Howbeit forasmuch as I can learne or gather, none of them hath any gouernour: for I sawe not there any chiefe house, whereby any preeminence of one ouer another might bee gathered. After this an olde man came, which sayd that hee was their lord, with a piece of a

mantle made of many pieces, with whom I reasoned that small while that hee stayed with mee, and hee sayd that within three dayes after, hee and the rest of the chiefe of that towne would come and visite mee, and giue order what course should bee taken with them. Which they did: for they brought mee certaine mantles and some Turqueses. I aduised them to come downe from their holdes, and to returne with their wiues and children to their houses, and to become Christians, and that they would acknowledge the Emperours maiestie for their King and lorde. And euen to this present they keepe in those strong holdes their women and children, and all the goods which they haue. I commaunded them that they should paint mee out a cloth of all the beastes which they knowe in their countrey: And such badde painters as they are, foorthwith they painted mee two clothes, one of their beastes, another of their birdes and fishes. They say that they will bring their children, that our religious men may instruct them, and that they desire to knowe our lawe: And they assure vs, that aboue fiftie yeeres past it was prophecied among them, that a certaine people like vs should come, and from that part that wee came from, and that they should subdue all that countrey.

That which these Indians worship as farre as hitherto wee can learne, is the water: for they say it causeth their corne to growe, and maintaineth their life; and that they know none other reason, but that their ancestors did so. I haue sought by all meanes possible. to learne of the inhabitants of these townes, whether they haue any knowledge of other people, countreys and cities: And they tell mee of seuen cities which are farre distant from this place, which are like vnto these, though they haue not houses like vnto these, but they are of earth, and small: and that among them much cotton is gathered. The chiefe of these townes whereof they haue knowledge, they say is called Tucano: and they gaue mee no perfect knowledge of the rest. And I thinke they doe not tell me the trueth, imagining that of necessitie I must speedily depart from them, and returne home. But herein they shall soone finde themselves deceiued. I sent Don Pedro de Touar with his companie of footemen and with certaine other horsemen to see this towne: And I would not haue dispatched this packet vnto your lordship, vntill I had knowen what this towne was, if I had thought that within twelue or fiteene dayes I might haue had newes from him: for hee will stay in this iourney thirtie dayes at least. And hauing examined that the knowledge hereof is of small importance, and that the colde and the

waters approach : I thought it my duety to doe according as your lordship gaue mee charge in your instructions, which is, that immediately vpon mine arriuall here, I should signifie so much vnto your lordship, and so I doe, sending withall the bare relation of that which I haue seene. I haue determined to send round about the countrey from hence to haue knowledge of all things, and rather to suffer all extremitie, then to leaue this enterprise to serue his maiestie, if I may finde any thing wherein I may performe it, and not to omit any diligence therein, vntill your lordship send mee order what I shall doe. Wee haue great want of pasture : and your lordship also shal vnderstand, that among all those which are here, there is not one pound of raisins, nor suger, nor oyle, nor any wine, saue only one pinte which is saued to say Masse : for all is spent & spilt by the way. Now your lordship may prouide vs what you thinke needefull. And if your honour meane to send vs cattell, your lordship must vnderstand that they will bee a sommer in coming vnto vs : for they will not be able to come vnto vs any sooner. I would haue sent your lordshippe with this dispatch many musters of things which are in this countrey : but the way is so long and rough, that it is hard for me to doe so ; neuertheless I send you twelue small mantles, such as the people of the countrey are woont to weare, and a certaine garment also, which seemeth vnto me to bee well made : I kept the same, because it seemed to mee to bee excellent well wrought, because I beleeeue that no man euer sawe any needle worke in these Indies, except it were since the Spaniards inhabited the same. I send your Lordshippe also two clothes painted with the beasts of this countrey, although as I haue sayde, the picture bee very rudely done, because the painter spent but one day in drawing of the same. I haue seene other pictures on the walles of the houses of this citie with farre better proportion, and better made. I send your honour one Oxe-hide, certaine Turqueses, and two earrings of the same, and fifteene combs of the Indians, and certain tablets set with these Turqueses, and two small baskets made of wicker, whereof the Indians haue great store. I send your lordship also two rolles which the women in these parts are woont to weare on their heads when they fetch water from their welles, as wee vse to doe in Spaine. And one of these Indian women with one of these rolles on her head, will carie a pitcher of water without touching the same with her hande vp a lather. I send you also a muster of the weapons wherewith these people are woont to fight, a buckler, a mace, a bowe, and certaine arrowes,

among which are two with points of bones, the like whereof, as these conquerours say, haue neuer beene seene. I can say nothing vnto your lordshippe touching the apparell of their women. For the Indians keepe them so carefully from vs, that hitherto I haue not seene any of them, sauing onely two olde women, and these had two long robes downe to the foote open before, and girded to them, and they are buttoned with certaine cordons of cotton. I requested the Indians to giue me one of these robes, which they ware, to send your honour the same, seeing they would not shewe mee their women. And they brought mee two mantles which are these, which I send you as it were painted: they haue two pendants like the women of Spaine, which hang somewhat ouer their shoulders. The death of the Negro is most certaine: for here are many of the things found which hee carried with him: And the Indians tell me that they killed him here, because the Indians of Chichilticale tolde them that hee was a wicked villaine, and not like vnto the Christians: because the Christians kill no women: and hee killed women; and also he touched their women, which the Indians loue more then themselues; therefore they determined to kill him: But they did it not after such sort as was reported, for they killed none of the rest of those that came with him: neither slewe they the young lad which was with him of the prouince of Petatlan, but they tooke him and kept him in safe custodie vntill now. And when I sought to haue him, they excused themselues two or three dayes to giue him mee, telling mee that hee was dead, and sometimes that the Indians of Acucu had carried him away. But in conclusion, when I tolde them that I should bee very angry if they did not giue him mee, they gave him vnto me. Hee is an interpreter, for though hee cannot well speake their language, yet he vnderstandeth the same very well. In this place there is found some quantitie of golde and siluer, which those which are skilfull in minerall matters esteeme to be very good. To this houre I could neuer learne of these people from whence they haue it: And I see they refuse to tell mee the trueth in all things, imagining, as I haue sayde, that in short time I would depart hence, but I hope in God they shall no longer excuse themselues. I beseech your lordship to certifie his Maiestie of the successe of this voyage. For seeing we haue no more then that which is aforesayd, and vntill such time as it please God that wee finde that which wee desire, I meane not to write my selfe. Our Lorde God keepe and preserue your Excellencie.

From the Prouince of Cibola, and from this citie of Granada the third of August 1540. Francis Vasques de Coronado kisseth the hands of your Excellencie.

In 1530, ten years after the conquest of Mexico by Cortes, stories were told the Spaniards there of seven great Indian cities in the north, within the present limits of New Mexico and Arizona. The cities were said to be full of silver and gold; and Nuño de Guzman, with a force of 400 Spaniards and 20,000 Indians, set out from Mexico in search of this "Land of the Seven Cities," believed to be only 600 miles distant. The Seven Cities and the Island of the Amazons, of which he had also heard, kept receding as he marched, and finally he retraced his steps as far as Compostella and Guadalaxara, where he established what was afterwards known as the province of New Galicia. He was presently deposed from the governorship of this province by Mendoza, the new viceroy, and was succeeded by Francisco Vasquez de Coronado. To Coronado, in 1536, came the accounts of the arrival at Culiacan of De Vaca and his three companions, the sole survivors of Narvaez's expedition to Florida in 1527, after nine years' wanderings through the great regions north of the Gulf of Mexico, with their accounts of having fallen in with civilized peoples, living "in populous towns with very large houses." Coronado sent out Fray Marcos de Nizza, a monk who had been in Peru under Alvarado, on a preliminary investigation north, accompanied by one of De Vaca's companions, a negro named Stephen, and others. Fray Marcos' report upon his return is the first definite account which exists of the exploration and history of the region occupied by what we call the Pueblo Indians. It may be found in Hakluyt's *Voyages*, iii, 438 (edition of 1810). Fray Marcos came to many Indian villages, passed through rich valleys, and heard much about the province of Cibola and its seven great cities, and of other great kingdoms beyond, which were called Marata, Acus and Totontec. From a hill he looked down upon a city in a plain, which he said was larger than Mexico, and which his Indian companions said was the smallest of the Seven Cities. After great dangers and remarkable experiences he returned to Coronado, who went with him to Mexico to report to Mendoza. Mendoza forwarded Fray Marcos' written report to the Emperor Charles V, accompanied by an account of his own of the previous attempts at exploring the country (given in Ternaux-Compans, ix, 283, 290).

In February, 1540, Coronado himself, accompanied by Fray Marcos, set out for the Seven Cities of Cibola, with a force of 300 Spaniards and 800 Indians. But the expedition resulted in great disappointment. Instead of the great city which Marcos had reported, Cibola turned out a poor village with not more than 200 inhabitants, situated on a rocky eminence. From its resemblance in situation, Coronado gave the name of Granada to the village. He states that the name Cibola belonged to the whole district, not to any particular place. From this village, August 3, 1540, he sent to the viceroy the account of his explorations published in the present leaflet, expressing his disappointment and his disbelief in Fray Marcos' report of the rich and powerful kingdoms beyond. He pushed on, however, frequently deceived by extravagant stories, suffering great disappointments, and undergoing endless hardships, until the spring of 1542, when he returned to Mexico. Gen. Simpson speaks of his expedition as one which, "for extent in distance travelled, duration in time, and the multiplicity of its

coöperating expeditions, equalled, if it did not exceed, any land expedition that has been undertaken in modern times." Gen. Simpson maintains that Coronado reached a point as far north as what is now the boundary line between Kansas and Nebraska, well on toward the Missouri River. Bandelier is not satisfied that he went so far northeast, and thinks that he moved more in a circle.

Bandelier identifies some of the places mentioned in connection with the expedition with pueblos north of Santa Fé. The river found by one detachment, with its banks elevated "three or four leagues in the air," was undoubtedly the Colorado in its Grand Cañon. "In the *Proceedings of the American Antiquarian Society for October, 1881*," says Professor Henry W. Haynes, from whose chapter on "Early Explorations of New Mexico," in the *Narrative and Critical History of America*, these facts are gathered, "I have given in detail the reasons for identifying Cibola with the region of the present Zuñi pueblos. Mr. Frank H. Cushing has made the important discovery that this tribe has preserved the tradition of the coming of Fray Marcos, and of the killing of the negro Stephen, whom they call 'the black Mexican,' at the ruined pueblo called Quaquima. They claim also to have a tradition of the visit of Coronado, and even of Cabeza de Vaca." Squier also identifies Cibola with Zuñi, as do Simpson, Prince and Davis. H. M. Breckenridge maintained that Cibola was the well-known ruin called Casa Grande. Lewis H. Morgan (see his article on *The Seven Cities of Cibola* in the *North American Review* for April, 1869), argued in favor of the identification of the site with the remarkable group of ruins in the valley of the Rio Chaca, about 100 miles northeast of Zuñi. Rev. E. E. Hale, in a paper on *Coronado's Discovery of the Seven Cities*, read before the American Antiquarian Society in April, 1881, argued, on the ground of certain new evidence, that the Moqui pueblos perhaps better satisfied the demands. Professor Haynes, in an answer to this at the following October meeting of the Society, discussed all the different opinions and upheld the Zuñi theory.

To Professor Haynes' essay, above mentioned, is appended a very full account of the literature of this whole subject, to which the student is referred. Coronado's report to Mendoza is printed in the present leaflet as given by Hakluyt in his *Voyages*, iii, 446 (ed. of 1810). His letter to Mendoza, March 8, 1539, transmitting report from Fray Marcos, and another brief letter to Mendoza, may be found in the same volume. A French translation of his letter to Emperor Charles V, giving an account of events from April 23 to October 20, 1541, is given in the *Voyages* of Ternaux-Compans, ix, 355. Of other narratives by companions of Coronado, see account given by Haynes.

Gallatin's essay on the *Ancient Semi-civilization of New Mexico*, in the *Transactions of the American Ethnological Society* (vol. iii, 1848), based on the reports of Col. Emory and Lieut. Abert, E. G. Squier's essay on the same subject in the *American Review* for November, 1848, Davis's *Spanish Conquest of New Mexico*, Simpson's *Coronado's March*, and Bandelier's *Historical Introduction to Studies among the Sedentary Indians of New Mexico*, are the important modern works.



Eliot's Brief Narrative.*

To the Right Worshipful the Commissioners under his Majesties Great-Seal, for Propagation of the Gospel amongst the poor blind Indians in New-England.

RIGHT WORSHIPFUL AND CHRISTIAN GENTLEMEN :

THAT brief Tract of the present state of the *Indian-Work* in my hand, which I did the last year on the sudden present you with when you call'd for such a thing ; That falling short of its end, and you calling for a renewal thereof, with opportunity of more time, I shall begin with our last great motion in that Work done this Summer, because that will lead me to begin with the state of the *Indians* under the hands of my Brethren Mr. *Mahew* and Mr. *Bourn*.

Upon the 17th day of the 6th month, 1670, there was a Meeting at *Maktapog* near *Sandwich* in *Plimouth-Pattent*, to gather a Church among the *Indians* : There were present six of the Magistrates, and many Elders, (all of them Messengers of the Churches within that Jurisdiction) in whose presence, in a day of Fasting and Prayer, they making confession of the Truth and Grace of Jesus Christ, did in that solemn Assembly enter into Covenant, to walk together in the Faith and Order of the

* The full title of this tract was as follows :

A Brief Narrative of the Progress of the Gospel amongst the *Indians* in *New England*, in the Year 1670, given in by the Reverend Mr. JOHN ELLIOT, Minister of the Gospel there, in a LETTER by him directed to the Right Worshipfull the COMMISSIONERS under his Majesties Great-Seal for Propagation of the Gospel amongst the poor blind Natives in those United Colonies. LONDON, Printed for *John Allen*, formerly living in *Little-Britain* at the Rising-Sun, and now in *Wentworth Street* near *Bell-Lane*, 1671.

Gospel; and were accepted and declared to be a Church of Jesus Christ. These *Indians* being of kin to our *Massachusetts-Indians* who first prayed unto God, conversed with them, and received amongst them the light and love of the Truth; they desired me to write to Mr. *Leveredge* to teach them: He accepted the Motion: and performed the Work with good success; but afterwards he left that place, and went to *Long-Island*, and there a godly Brother, named *Richard Bourne* (who purposed to remove with Mr. *Leveredge*, but hindered by Divine Providence) undertook the teaching of those *Indians*, and hath continued in the work with good success to this day; him we ordained Pastor: and one of the *Indians*, named *Jude*, should have been ordained Ruling-Elder, but being sick at that time, advice was given that he should be ordained with the first opportunity, as also a Deacon to manage the present Sabbath-day Collections, and other [4] parts of that Office in their season. The same day also were they, and such of their Children as were present, baptized.

From them we passed over to the *Vineyard*, where many were added to the Church both men and women, and were baptized all of them, and their Children also with them; we had the Sacrament of the Lords Supper celebrated in the *Indian-Church*, and many of the *English-Church* gladly joined with them; for which cause it was celebrated in both languages. On a day of Fasting and Prayer, Elders were ordained, two Teaching-Elders, the one to be a Preacher of the Gospel, to do the Office of a Pastor and Teacher; the other to be a Preacher of the Gospel, to do the Office of a Teacher and Pastor, as the Lord should give them ability and opportunity; Also two Ruling-Elders, with advice to ordain Deacons also, for the Service of Christ in the Church. Things were so ordered by the Lord's guidance, that a Foundation is laid for two Churches more; for first, these of the *Vineyard* dwelling at two great a distance to enjoy with comfort their Sabbath-communion in one place, Advice was given them, that after some experience of walking together in the Order and Ordinances of the Gospel, they should issue forth into another Church; and the Officers are so chosen, that when they shall do so, both Places are furnished with a Teaching and Ruling-Elder.

Also the Teacher of the *Praying Indians* of *Nantuket*, with a Brother of his were received here, who made good Confessions of Jesus Christ; and being asked, did make report unto us that there be about ninety Families who pray unto God in that Island,

so effectual is the Light of the Gospel among them. Advice was given, that some of the chief Godly People should joyn to this Church, (for they frequently converse together, though the Islands be seven leagues asunder) and after some experience of walking in the Order of the Gospel, they should issue forth into Church-estate among themselves, and have Officers ordained amongst them.

The Church of the *Vineyard* were desirous to have chosen Mr. *Mahew* to be their Pastor: but he declined it, conceiving that in his present capacity he lieth under greater advantages to stand their Friend, and do them good, to save them from the hands of such as would bereave them of their Lands, &c. but they shall alwayes have his counsel, instruction and management in all their Church-affairs, as hitherto they have had; he will die in this service of Jesus Christ. The *Praying-Indians* of both these Islands depend on him, as God's Instrument for their good. [5] Advice also was given for the settling of Schools; every Child capable of learning, equally paying, whether he make use of it or no: Yet if any should sinfully neglect Schooling their Youth, it is a transgression liable to censure under both Orders, Civil and Ecclesiastical, the offence being against both. So we walk at *Natick*.

In as much as now we have ordained *Indian Officers* unto the Ministry of the Gospel, it is needful to add a word or two of Apology: I find it hopeles to expect *English* Officers in our *Indian Churches*; the work is full of hardship, hard labour, and chargeable also, and the *Indians* not yet capable to give considerable support and maintenance; and Men have bodies, and must live of the Gospel: And what comes from England is liable to hazard and uncertainties. On such grounds as these partly, but especially from the secret wise governance of Jesus Christ, the Lord of the Harvest, there is no appearance of hope for their souls feeding in that way: they must be trained up to be able to live of themselves in the ways of the Gospel of Christ; and through the riches of God's Grace and Love, fundry of themselves who are expert in the Scriptures, are able to teach each other: An *English* young man raw in that language, coming to teach among our *Christian-Indians*, would be much to their loss; there be of themselves such as be more able, especially being advantaged that he speaketh his own language, and knoweth their manners. Such *English* as shall hereafter teach them, must begin with a People that begin to pray unto God, (and such opportunities we have many) and then as they grow in knowledge, he will grow (if he

be diligent) in ability of speech to communicate the knowledge of Christ unto them. And seeing they must have Teachers amongst themselves, they must also be taught to be Teachers: for which cause I have begun to teach them the Art of Teaching, and I find some of them very capable. And while I live, my purpose is, (by the grace of Christ assisting) to make it one of my chief cares and labours to teach them some of the Liberal Arts and Sciences, and the way how to analyze, and lay out into particulars both the Works and Word of God; and how to communicate knowledge to others methodically and skilfully, and especially the method of Divinity. There be sundry Ministers who live in an opportunity of beginning with a People, and for time to come I shall cease my importuning of others, and onely fall to perswade such unto this service of Jesus Christ, it being one part of our Ministerial Charge to preach to the World in the Name of Jesus, and from amongst them to gather Subjects to his holy Kingdom. The Bible, and the Catechism drawn [6] out of the Bible, are general helps to all parts and places about us, and are the ground-work of Community amongst all our *Indian-Churches* and Christians.

I find a blessing, when our Church of *Natick* doth send forth fit Persons unto some remoter places, to teach them the fear of the Lord. But we want maintenance for that Service; it is a chargeable matter to send a Man from his Family: The Labourer is worthy of his Hire: And when they go only to the High-ways and Hedges, it is not to be expected that they should reward them: If they believe and obey their Message, it is enough. We are determined to send forth some (if the Lord will, and that we live) this Autumn, sundry ways. I see the best way is, *up and be doing*: In all labour there is profit; *Seek and ye shall find*. We have Christ's Example, his Promise, his Presence, his Spirit to assist; and I trust that the Lord will find a way for your encouragement.

Natick is our chief Town, where most and chief of our Rulers, and most of the Church dwells; here most of our chief Courts are kept; and the Sacraments in the Church are for the most part here administered: It is (by the Divine Providence) seated well near in the center of all our praying *Indians*, though Westward the Cords of Christ's Tents are more enlarged. Here we began Civil Government in the year 1650. And here usually are kept the General-Trainings, which seven years ago looked so big that we never had one since till this year, and it was at this time but a small appearance. Here we have

two Teachers, *John Speen* and *Anthony*; we have betwixt forty and fifty Communicants at the Lord's Table, when they all appear, but now, some are dead, and some decipied with age; and one under Censure, yet making towards a recovery; one died here the last Winter of the Stone, a temperate, sober, godly man, the first *Indian* that ever was known to have that disease; but now another hath the same disease: Sundry more are proposed, and in way of preparation to joyn unto the Church.

Ponkipog, or *Pakeunit*, is our second Town, where the *Sachems* of the Bloud (as they term their Chief Royal-Line) had their Residence and Rights, which are mostly Alienated to the English Towns: The last Chief Man, of that Line, was last year slain by the *Mauquzogs*, against whom he rashly (without due Attendants and Assistance, and against Counsel) went; yet all, yea, his Enemies say, He died valiantly; they were more afraid to kill him, than he was to die; yet being de- [7] ferted by all (some knowingly say through Treason) he stood long, and at last fell alone: Had he had but 10 Men, yea 5 in good order with him, he would have driven all his Enemies before him. His Brother was resident with us in this Town, but he is fallen into sin, and from praying to God. Our Chief Ruler is *Ahauton*, an old stedfast and trusty friend to the *English*, and loveth his Country. He is more loved than feared; the reins of his bridle are too long. *Wakan* is sometimes necessarily called to keep Courts here, to add life and zeal in the punishment of Sinners. Their late Teacher, *William*, is deceased; He was a man of eminent parts, all the *English* acknowledge him, and he was known to many: He was of a ready wit, sound judgment, and affable; he is gone unto the Lord; And *William*, the Son of *Ahauton*, is called to be Teacher in his stead. He is a promising young-man, of a single and upright heart, a good judgment, he Prayeth and Preacheth well, he is studious and industrious, and well accounted of among the *English*.

Hassunnimesut is the next Town in order, dignity, and antiquity; sundry of our chief Friends in the great work of Praying to God, came from them, and there lived their Progenitors, and there lieth their Inheritance, and that is the place of their desires. It lieth upon *Nichmuke* River; the people were well known to the *English* so long as *Connecticot* Road lay that way, and their Religion was judged to be real by all that travelled that journey, and had occasion to lodge, especially to keep a Sabbath among them. The Ruler of the Town is *Anuweekin*, and his brother *Tuppukkoowillin* is Teacher, both sound and

godly Men. This Ruler, last Winter, was overtaken with a Passion, which was so observable, that I had occasion to speak with him about it; he was very penitent; I told him, That as to man, I, and all men were ready to forgive him. *Ah!* said he, *I find it the greatest difficulty to forgive myself.* For the encouragement of this place, and for the cherishing of a new Plantation of Praying Indians beyond them, they called *Mona-tunkanet* to be a Teacher also in that Town, and both of them to take care of the new Praying-Town beyond them. And for the like encouragement, Captain *Gookins* joyned *Petahheg* with *Anurweekin*. The aged Father of this Ruler and Teacher, was last year Baptized, who hath many Children that fear God. In this place we meditate ere long (if the Lord will, and that we live) to gather a Church, that so the Sabbath-Communion of our Christian *Indians* may be the more agree- [8] able to the Divine Institution, which we make too bold with while we live at such distance.

Ogquonikongquamesut is the next Town; where, how we have been afflicted, I may not say. The *English* Town called *Marlborough* doth border upon them, as did the lines of the Tribes of *Judah* and *Benjamin*; the English Meeting-house standeth within the line of the *Indian* Town, although the contiguity and co-habitation is not barren in producing matters of interfering; yet our godly *Indians* do obtain a good report of the godly *English*, which is an argument that bringeth light and evidence to my heart, that our *Indians* are really godly. I was very lately among them; they desired me to settle a stated Lecture amongst them, as it is in fundry other Praying Towns, which I did with so much the more gladness and hope of blessing in it, because through Grace the Motion did first spring from themselves. *Solomon* is their Teacher, whom we judge to be a serious and sound Christian; their Ruler is *Owannamug*, whose grave, faithful, and discreet Conversation hath procured him real respect from the *English*. One that was a Teacher in this place, is the man that is now under Censure in the Church; his sin was that adventitious sin which we have brought unto them, Drunkenness, which was never known to them before they knew us *English*. But I account it our duty, and it is much in my desire, as well to teach them Wisdom to Rule such heady Creatures, as skill to get them to be able to bridle their own appetites, when they have means and opportunity of high-spirited enticements. The Wisdom and Power of Grace is not so much seen in the beggarly want of these things, as in

the bridling of our selves in the use of them. It is true Dominion, to be able to use them, and not to abuse ourselves by them.

Nashope is our next Praying Town, a place of much Affliction; it was the chief place of Residence, where *Tahattawans* lived, a Sachem of the Blood, a faithful and zealous Christian, a strict yet gentle Ruler; he was a Ruler of 50 in our Civil Order; and when God took him, a chief man in our *Israel* was taken away from us. His only Son was a while vain, but proved good, expert in the Scripture, was Elected to Rule in his Fathers place, but soon died, infomuch that this place is now destitute of a Ruler. The Teacher of the place is *John Thomas*, a godly understanding Christian, well esteemed of by the *English*: his Father was killed by the *Mauquaogs*, shot to death as he was in [9] the River doing his Eele-wyers. This place lying in the Road-way which the *Mauquaogs* haunted, was much molested by them, and was one year wholly deserted; but this year the People have taken courage and dwell upon it again.

In this place after the great Earthquake, there was some eruption out of the Earth, which left a great *Hiatus* or Cleft a great way together, and out of some Cavities under great Rocks, by a great Pond in that place, there was a great while after often heard an humming noise, as if there were frequent eruptions out of the Ground at that place: yet for Healthfulness the place is much as other places be. For Religion, there be amongst them some Godly Christians, who are received into the Church, and baptized, and others looking that way.

Wamesut is our next Praying-Town; it lyeth at the bottom of the great Falls, on the great River *Merymak*, and at the falling-in of *Concord* River; the Sachem of this Place is named *Nemphon*, said to be a Prince of the Bloud, a Man of a real Noble Spirit: A Brother of his was slain by the *Mauquaogs* as he was upon a Rock fishing in the great River. In revenge whereof he went in the forementioned rash Expedition, but had such about him, and was so circumspect, that he came well off, though he lost one principal Man. This place is very much annoyed by the *Mauquaogs*, and have much ado to stand their ground.

In this Place Captain *Gookins* ordered a Garrison to be kept the last year, which Order while they attended they were safe; but when the Northern Sachems and Souldiers came, who stirred up ours to go with them on their unsuccessful Expedition, the Town was for the most part scatter'd, and their Corn spoyled.

The Teacher of this Place is named *George*: they have not much esteem for Religion, but I am hopefully perswaded of fundry of them; I can go unto them but once in a year.

Panatuket is the upper part of *Merimak*-Falls; so called, because of the noise which the Waters make. Thither the *Penagwog-Indians* are come, and have built a great Fort; Their Sachems refused to pray to God, so signally and sinfully, that Captain *Gookins* and my self were very sensible of it, and were not without some expectation of some interposure of a Divine-Hand, which did eminently come to pass; for in the forenamed Expedition they joyned with the Northern Sachems, [10] and were all of them cut off; even all that had so signally refused to pray unto God were now as signally rejected by God, and cut off. I hear not that it was ever known, that so many Sachems and Men of Note were killed in one imprudent Expedition, and that by a few scattered people; for the *Mauquaogs* were not imbodyed to receive them, nor prepared, and few at home, which did much greaten the Overthrow of so many great Men, and shews a divine over-ruling hand of God. But now, since the *Penaguog-Sachems* are cut off, the People (fundry of them) dwelling at *Panatuket*-Fort do bow the Ear to hear, and submit to pray unto God; to whom *Jethro*, after he had confest Christ and was baptized, was sent to preach Christ to them.

Magunkukquok is another of our Praying-Towns at the remotest Westerly borders of *Natick*; these are gathering together of some *Nipmuk Indians* who left their own places, and sit together in this place, and have given up themselves to pray unto God. They have called *Pomham* to be their Ruler, and *Simon* to be their Teacher. This latter is accounted a good and lively Christian; he is the second man among the *Indians* that doth experience that afflicting disease of the Stone. The Ruler hath made his Preparatory Confession of Christ, and is approved of, and at the next opportunity is to be received and baptized.

I obtained of the General-Court a Grant of a Tract of Land, for the settlement and encouragement of this People; which though as yet it be by some obstructed, yet I hope we shall find some way to accomplish the same.

Quanatuffet is the last of our Praying-Towns, whose beginnings have received too much discouragement; but yet the Seed is alive: they are frequently with me; the work is at the birth, there doth only want strength to bring forth. The care of this People is committed joyntly to *Monatunkanit*, and *Tuppunk-*

knowwillin, the Teachers of *Hassinemesut*, as is abovesaid; and I hope if the Lord continue my life, I shall have a good account to give of that People.

Thus I have briefly touched some of the chiefeſt of our preſent Affairs, and commit them to your Prudence, to do [11] with them what you pleaſe; committing your Selves, and all your weighty Affairs unto the Guidance and Bleſſing of the Lord, I reſt,

Your Worſhips to ſerve you in the Service of our Lord *Jeſus*.

John Elliot.

Roxb. this 20th of the 7th month, 1670.

LETTER FROM ELIOT TO. HON. ROBERT BOYLE.

Roxbury, April 22, 1684.

RIGHT HONOURABLE AND INDEFATIGABLE BENEFACTORS:

This laſt gift of four hundred pounds for the reimpreſſion of the Indian bible doth ſet a diadem of beauty upon all your former acts of pious charity, and commandeth us to return unto your honours all thankful acknowledgments, according to our abilities. It pleaſed the worſhipful Mr. Stoughton to give me an intimation, that your honours deſired to know the particular preſent eſtate of the praying Indians; and alſo, when Moſes's Pentateuch is printed, to have ſome copies ſent over, to evidence the real and good progreſs of the work.

Your honour's intimation hath the force of a command upon me, and therefore I ſhall briefly relate the religious walking and ways of the praying Indians. They do diligently obſerve and keep the ſabbath, in all the places of their publick meetings to worſhip God. The example of the Engliſh churches, and the authority of the Engliſh laws, which major Gookin doth declare unto them, together with ſuch mulcts, as are inflicted upon tranſgreſſors; as alſo and eſpecially, the clear and expreſs command of God, which they and their children learn and rehearſe daily in their catechiſms; theſe all together have fully poſſeſſed and convinced them of their duty, to keep holy the ſabbath day. So that the ſanctifying of the ſabbath is a great and eminent part of their religion. And though ſome of the vain and carnal ſort among them are not ſo girt to it, as were to be deſired, yet the grave and religious ſort do conſtantly worſhip God, every ſabbath day, both morning and evening, as the Engliſh do.

The acts of worſhip, which they perform in their publick meetings, are as followeth.

The officer beginneth with prayer, and prayeth for all men, rulers, miniſters, people, young, old, ſick, well, Engliſh or Indians, &c. according to that word, 1 Tim. ii. 12. *I will that firſt of all prayers*

be made, &c. I say, the officer beginneth with prayer, *viz.* where they have an officer ordained, as it is almost in all the churches. But we have more publick assemblies, that meet every Lord's day, to worship God, than we have churches. There is not yet a church gathered in every place, where they meet to worship God and keep the sabbath; but where it is so, they choose some able godly man (the best they can) to manage the worship among them: him they call their teacher, and he beginneth with prayer, &c. When prayer is ended, they call forth such as are to answer the catechism; and though this is sometimes omitted in some places, yet that is the way they walk in, and it is often practised. When catechism is ended, a chapter is read, sometimes in the old testament, and sometimes in the new; and sundry of the young men are trained up, and called forth to this service, sometimes one, sometimes another.

When the chapter is read, a psalm is sung, which service sundry are able to manage well.

That finished, the preacher first prayeth, then preacheth, and then prayeth again. If it be the day for the Lord's supper to be celebrated, the church address themselves unto it, and the minister doth exactly perform it, according to the scriptures. When that service is done, they sing a psalm, according to the pattern of Christ; then he blesseth the church, and so finisheth the morning service.

In the afternoon they meet again, and perform all the parts of worship, as they did in the morning; which done, if there be any infant to be baptised, they perform that service according to the scriptures; which done, the deacon calleth for contributions; which done, if there be any act of publick discipline (as divers times there is, there being many failures among us) then the offender is called forth (being with care and diligence prepared) and is exhorted to give glory to God, and confess his sin; which being penitent, they gladly accept him, forgive him, and receive him. If it be not a satisfactory confession, they shew him his defect, they admonish and exhort him to a more full confession; and so he is left to some other time. This finished, he blesseth the church, and so dismisseth the assembly.

Moreover, Major Gookin hath dedicated his eldest son, Mr. Daniel Gookin, unto this service of Christ; he is a pious and learned young man, about thirty-three years old, hath been eight years a fellow of the college; he hath taught and trained up two classes of our young scholars unto their commencement; he is a man, whose abilities are above exception, though not above envy. His father, with his inclination, advised him to Sherburne, a small village near Natick, whose meeting-house is about three miles, more or less, from Natick meeting-house. Mr. Gookin holdeth a lecture in Natick meeting-house once a month; which lecture, many English, especially of Sherburne, do frequent. He first preacheth in English, to the English audience, and then the same matter is delivered to the Indians, by an interpreter, whom, with much pains, Mr. Gookin hath fore-prepared. We apprehend, that this will (by God's blessing) be a

means to enable the Indians to understand religion preached in the English tongue, and will much further Mr. Gookin in learning the Indian tongue. Likewise Major Gookin holdeth and manageth his courts in the English tongue; which doth greatly further the Indians in learning law and government in the English tongue; which is a point of wisdom in civilizing them, that your honours have manifested your desires, that it might be attended.

The places, where the Indians meet to worship God, and sanctify the sabbath, are many; the most are stated places, others are occasional. The stated places, in the Massachusetts, since the wars, are contracted into four, Natick, Ponkipog, Wameset, and Chachau-bunkakowok. The occasional meetings are at places of fishing, hunting, gathering chestnuts, in their seasons. Also since the wars, the Mauquaoyes, making incursions upon the praying Indians, did cause them to make divers forts, to live safely in, and then they did there meet to worship God, and keep the sabbath.

In Plymouth Patent, there are about ten places, where they meet to worship God.

An intelligent person, of Martyn's Vineyard, reckoned up unto me ten places, where God is worshipped every Lord's day in that island.

At Nantucket there be about five places of prayer and keeping sabbaths.

The reason of this dispersion of places of publick meeting to worship God, is this; there is but here and there a spot of good land, fit for planting corn, with accommodation of fishing; these spots of good land lie at a great distance from each other; some four or five miles, some eight or nine miles: some ten or twelve miles, so that it is impossible for them, especially with women and children, to meet at one place; therefore all, that live together at one place, meet to worship God on the sabbath day. . . .

As for the sending any numbers of Moses's Pentateuch, I beseech your honours to spare us in that; because so many as we send, so many bibles are maimed, and made incomplete, because they want the five books of Moses. We present your honours with one book, so far as we have gone in the work, and humbly beseech, that it may be acceptable, until the whole be finished; and then the whole impression (which is two thousand) is at your honours command. Our slow progress needeth an apology. We have been much hindered by the sickness this year. Our workmen have been all sick, and we have but few hands, one Englishman, and a boy, and one Indian; and many interruptions and diversions do befall us; and we could do but little this very hard winter. But I shall give your honours no further trouble at this time, only requesting the continuance of your prayers and protection. So I remain,

Your honour's to serve you in our Lord Jesus,

JOHN ELIOT.

Eliot's *Brief Narrative*, written in 1670, just twenty years before his death, was the last of his publications relating to the progress of Christianity among the Indians. Several earlier reports had been published in London. *The Glorious Progress of the Gospel amongst the Indians in New England, manifested in three Letters under the Hand of that famous Instrument of the Lord, Mr. John Eliot, and another from Mr. Thomas Mayhew, Jun., both Preachers of the Word, as well to the English as Indians in New England*, had been published in London by Edward Winslow, in 1649. This has been reprinted in the Mass. His. Society's Collections, third series, vol. iv. In the same volume is reprinted *Tears of Repentance: Or a further Narrative of the Progress of the Gospel Amongst the Indians in New England, etc.*, by Eliot and Mayhew, first published in London in 1653, together with other important tracts of the same period, by Rev. Thomas Shepard of Cambridge, Rev. Henry Whitfield of Guilford, Conn., and others, upon the work of Eliot and the other missionaries among the Indians. The student can learn about all these tracts on the subject of the Christianizing of the Indians of New England in the bibliographic note prefixed to Marvin's reprint of the *Brief Narrative*. In the Mass. His. Society's Collections, first series, vol. iii, are nine letters from Eliot to the Honorable Robert Boyle, on the same general topic, the first dated Sept. 30, 1670, shortly after the issue of this tract, and the last, July 7, 1688, not long before Eliot's death. Boyle was for a time governor of the Society for the Propagation of the Gospel, and a generous contributor to the missionary work among the Indians; and Marvin probably conjectures rightly that these letters—one of which is included in the present leaflet—filled the place which the publications had previously supplied, serving as reports of the progress of the work.

Of the work of Eliot and his associates among the Indians there is some account in all the histories of New England. The earliest life of Eliot is that by Cotton Mather (1691), afterwards embodied in his *Magnalia*. There are various later lives—by Convers Francis, Dearborn, Thornton and others, and a sketch by Miss Yonge in her *Pioneers and Founders*. Dr. Ellis devotes considerable attention to the missionary efforts among the Indians in his *Red Man and White Man in North America*. See also his chapter on "The Indians of Eastern Massachusetts," with the portrait of Eliot, in the first volume of the *Memorial History of Boston*. This volume contains much of value concerning Eliot; see the chapter on "Roxbury in the Colonial Period," etc. Of special value is the chapter on "The Indian Tongue and its Literature as fashioned by Eliot and others," by J. Hammond Trumbull. The student can nowhere find a better brief account of Eliot's Indian Bible and its printing. See also Mr. Trumbull's *Origin and Early Progress of Indian Missions in New England*; the chapter on "New England," by Charles Deane, in the third volume of the *Narrative and Critical History of America*; and further references to Eliot in the third and first volumes of that work.



Wheelock's Narrative

(1762)

OF THE ORIGINAL DESIGN, RISE, PROGRESS AND PRESENT STATE OF
THE INDIAN CHARITY-SCHOOL IN LEBANON, CONN.

UNDERSTANDING there are numbers of religious and charitably disposed persons, who only wait to know where their charities may be bestowed in the best manner for the advancement of the kingdom of the great Redeemer; and, supposing there may also be in some, evil surmising about, and a disposition to discredit a cause which they don't love, and have no disposition to promote; I have, to gratify the one, and prevent the mischiefs of the other, thought it my duty to give the publick a short, plain, and faithful narrative of the original design, rise, progress, and present state of the Charity-School here, called *Moor's Indian-Charity School, &c.* And I hope there is need of little or nothing more than a plain and faithful relation of facts, with the grounds and reasons of them, to justify the undertaking, and all the pains and expence there has been, in the prosecution thereof. And to convince all persons of ability, that this school is a proper object of their charity; and that whatever they shall contribute for the furtherance of it, will be an offering acceptable to God, and properly bestowed for the promoting a design which the heart of the great Redeemer is infinitely set upon.

The considerations first moving me to enter upon the design of educating the children of our heathen natives were such as these; viz.

The great obligations lying upon us, as God's covenant-people, who have all we have better than they in a covenant way, and consequently are under covenant-bonds to improve it in the best manner for the honour and glory of our liberal Benefactor. And can such want of charity to those poor creatures, as our neglect has shewn; and, our neglect of that which God has so plainly made to be the matter of our care and duty; and that which the heart of the great Redeemer is so set upon, as that he never desired any

other compensation for all the travail of his soul, can it, I say, be without great guilt on our part?

It has seem'd to me, he must be stupidly indifferent to the Redeemer's cause and interest in the world; and criminally deaf and blind to the intimations of the favour and displeasure of God in the dispensations of his providence, who could not perceive plain intimations of God's displeasure against us for this neglect, inscribed in capitals, on the very front of divine dispensations, from year to year, in permitting the savages to be such a fore scourge to our land, and make such depredations on our frontiers, inhumanly butchering and captivating our people: not only in a time of war, but when we had good reason to think (if ever we had) that we dwelt safely by them.

And there is good reason to think, that if one half which has been, for so many years past expended in building forts, manning and supporting them, had been prudently laid out in supporting faithful missionaries, and school-masters among them, the instructed and civilized party would have been a far better defence than all our expensive fortresses, and prevented the laying waste so many towns and villages: Witness the consequence of sending Mr. *Sergeant* to *Stockbridge*, which was in the very road by which they most usually came upon our people, and by which there has never been one attack made upon us since his going there; and this notwithstanding there has been, by all accounts, less appearance of the saving effects of the gospel there than in any other place, where so much has been expended for many years past.

And not only our covenant bonds, by which we owe our all to God, and our divine Redeemer — our pity to their bodies in their miserable, needy state — our charity to their perishing souls — and our own peace, and safety by them, should constrain us to it; but also gratitude, duty, and loyalty to our rightful sovereign. How great the benefit which would hereby accrue to the Crown of *Great-Britain*, and how much the interests of His Majesty's dominions, especially in *America*, would be promoted hereby, we can hardly conceive.

And the Christianizing the natives of this land is expressly mentioned in the royal charter granted to this colony, as a motive inducing His Majesty to grant that royal favour to our fathers. And since we are risen up in their stead, and enjoy the inestimable favour granted to them, on this consideration; What can excuse our not performing to our utmost, that which was engaged by, and reasonably expected from, them? But that which is of greatest weight, and should powerfully excite and persuade us hereto, are the many commands, strong motives, precious promises, and tremendous threatenings, which fill so great a part of the sacred pages.

and are so perfectly calculated to awaken all our powers, to spread the knowledge of the only true God, and Saviour, and make it as extensive and common as possible. It is a work, in which every one in his place, and according to his ability, is under sacred bonds to use his utmost endeavours. But for brevity sake, I omit a particular mention of them, supposing none have read their Bibles attentively, who do not know, that this is a darling subject of them; and that enough is there spoken by the mouth of God himself, to obviate and silence all the objections which sloth, covetousness, or love of the world can suggest against it. — [The religious obligation to the work is urged at some further length.]

These were some of the considerations which, I think, had some influence to my making an attempt in this affair; though I did not then much think of any thing more than only to clear myself, and family, of partaking in the public'guilt of our land and nation in such a neglect of them.

And as there were few or none who seemed so much to lay the necessity and importance of the case to heart, as to exert themselves in earnest, and lead the way therein, I was naturally put upon consideration and enquiry what methods might have the greatest probability of success; and upon the whole was fully persuaded that this, which I have been pursuing, had by far the greatest probability of any that had been proposed, viz. by the mission of their own sons in conjunction with the *English*; and that a number of girls should also be instructed in whatever should be necessary to render them fit, to perform the female part, as house-wives, school-mistresses, tayloresses, &c. and to go and be with these youth, when they shall be hundreds of miles distant from the *English* on the business of their mission: And prevent a necessity of their turning savage in their manner of living, for want of those who may do those offices for them, and by this means support the reputation of their mission, and also recommend to the savages a more rational and decent manner of living, than that which they are in — and thereby, in time, remedy and remove that great, and hitherto insuperable difficulty, so constantly complained of by all our missionaries among them, as the great impediment in the way to the success of their mission, viz. their continual rambling about; which they can't avoid so long as they depend so much upon fishing, fowling, and hunting for their support. And I am more and more persuaded, that I have sufficient and unanswerable reasons to justify this plan.

As,

- i. The deep rooted prejudices they have so generally imbibed against the *English*, that they are selfish, and have secret designs to incroach upon their lands, or otherwise wrong them in

their interests. This jealousy seems to have been occasioned, nourished, and confirmed by some of their neighbours, who have got large tracts of their lands for a very inconsiderable part of their true value, and, it is commonly said, by taking the advantage of them when they were intoxicated with liquor. And also, by unrighteous dealers, who have taken such advantage to buy their skins and furs at less than half price, &c. And perhaps these jealousies may be, not a little, increased by a consciousness of their own perfidy and inhumanity towards the *English*. And it seems there is no way to avoid the bad influence and effects of these prejudices, at present, unless it be by the mission of their own sons. And it is reasonable to suppose their jealousies are not less, since the late conquest in this land, by which they are put into our power, than they were before.

2. An *Indian* missionary may be supported with less than half the expence, that will be necessary to support an *Englishman*, who can't conform to their manner of living, and who will have no dependence upon them for any part of it. And an *Indian* who speaks their language, it may reasonably be supposed, will be at least four times as serviceable among them, supposing he be otherwise equally qualified as one who can communicate to or receive nothing from them, but by an interpreter: He may improve all opportunities not only in public, but, "when he sits in the house, walks by the way, when he lies down, and when he rises up:" And speak with as much life and spirit as the nature and importance of the matter require, which is very much lost when communicated by an interpreter.

3. Indian missionaries may be supposed better to understand the tempers and customs of *Indians*, and more readily to conform to them in a thousand things than the *English* can; and in things wherein the nonconformity of the *English* may cause disgust, and be construed as the fruit of pride, and an evidence and expression of their scorn and disrespect.

4. The influence of their own sons among them will likely be much greater than of any *Englishman* whatsoever. They will look upon such an one as one of them, his interest the same with theirs; and will naturally esteem him as an honour to their nation, and be more likely to submit patiently to his instructions and reproofs than to any *English* missionary. This is quite evident in the case of Mr. *Occom*, whose influence among the *Indians*, even of his own tribe, is much greater than any other man's; and when he shall settle and live decently, and in fashion, among them, will likely do more to invite them to imitate his manner of living, than any *Englishman*.

5. The acquaintance and friendship which *Indian* boys from different and distant tribes and places, will contract and cultivate,

while together at school, may, and if they are zealously affected will, be improved much for the advantage and furtherance of the design of their mission; while they send to, hear from, or visit one another, confirming the things which have been spoken. And this without so much ceremony to introduce one another, as will be necessary in the case of *English* missionaries; and without the cumber and expence of interpreters.

6. Indian missionaries will not disdain to own *English* ones, who shall be associates with them, (where the *English* can be introduced) as elder brethren; nor scorn to be advised or reprov'd, counselled or conducted by them; especially so long as they shall be so much dependent upon the *English* for their support; which will likely be till God has made them his people; and then, likely, they will not stand in such need of *English* guides and counsellors. And they will mutually help one another, to recommend the design to the favourable reception and good liking of the pagans, remove their prejudices, conciliate their friendship, and induce them to repose due confidence in the *English*.

7. In this school, children of different nations may, and easily will learn one another's language, and *English* youth may learn of them; and so save the vast expence and trouble of interpreters; and their ministry be much more acceptable and edifying to the *Indians*.

8. There is no such thing as sending *English* missionaries, or setting up and maintaining *English* schools to any good purpose, in most places among them, as their temper, state and condition have been and still are. It is possible a school may be maintained to some good purpose, at *Onoboguagee*, where there have been heretofore several faithful missionaries, by the blessing of God upon whose labours the *Indians* are in some measure civilized, some of them baptized, a number of them in a judgment of charity, real Christians; and where they have a sachem, who is a man of understanding, virtue, steadiness, and entirely friendly to the design of propagating the gospel among them, and zealous to promote it. And where the Hon. *Scotch* Commissioners, I hear, have sent two missionaries, and have made some attempt to set up a school. But at *Jeningo*, a little beyond, they will by no means admit an *English* missionary to reside among them. And tho' they were many of them under great awakenings and concern, by God's blessing on the labours of a Christian *Indian* from these parts; yet such was the violent opposition of numbers among them, that it was thought by no means safe for an *Englishman* to go among them, with design to tarry with them. And like to this is the case with the parties of *Indians*, for near an hundred miles together, on the west side of *Susquehanah* River. Another school or two may possibly be set up

with success among the *Mohawks*, where Mr. *Ogilvie* and other Episcopal missionaries have bestowed much labour, to good purpose; and where they have got into the way of cultivating their lands for a living, and so have more ability to support their children, and less occasion to ramble abroad with them. But even in these places we may find it more difficult than we imagine before the trial be made (though I would by no means discourage the trial of every feasible method for the accomplishing this great design) but by acquaintance with the schools which the Hon. *London* Commissioners have with pious zeal, set up and maintained among the several tribes in these parts, I am much confirmed in such sentiments. These parties live amongst, and are encompassed by the *English*, have long had good preaching, and numbers of them appear to be truly godly. Yet such is the savage temper of many, their want of due esteem for learning, and gratitude to their benefactors, and especially their want of government, that their school-masters, tho' skilful and faithful men, constantly complain they can't keep the children in any measure constant at school. Mr. *Clelland* the school-master at *Mohegan* has often told me what unwearied pains he has taken by visiting, and discoursing with their parents, &c. to remedy this evil, and after all can't accomplish it. The children are suffered to neglect their attendance on instruction, and waste much time, by which means they don't learn so much in several years as they might, and others do in one, who are taken out of the reach of their parents, and out of the way of *Indian* examples, and are kept to school under good government and constant instruction. I the rather mention this instance, because of the well-known fidelity and skill of that good gentleman, and because that tribe are as much civilized, and as many of them Christianized, as perhaps any party of them in this government. And by all I can learn, it is no better in this respect with any other. They are so disaffected towards a good and necessary government, that as gentle an exercise of it as may be, and answer the design of keeping up order and regularity in any measure among them, will likely so disgust them as to render the case worse rather than better. Captain *Martin Kellog* complain'd of this as his great discouragement in the school at *Stockbridge*, notwithstanding he understood as well as any man the disposition of *Indians*, and had the advantage of knowing their language and customs, having been so long a captive among them, and was high in their affection and esteem; yet he was obliged to take the children home to *Weathersfield* with him, quite away from their parents, before he could exercise that government which was necessary in order to their profiting at school. But as to most places, there is no such thing at present as introducing either *English* school-

masters or missionaries to continue with them; such are their prejudices in general, and such the malevolent, and ungovernable temper of some, that none but an *Indian* would dare venture his life among them.

And besides all this, they are so extremely poor, and depend so much upon hunting for a livelihood, that they are in no capacity to support their children at school, if their disposition for it were ever so good.

Mr. *Occom* informed me by a letter from the *Oneida* country last summer, and the same account I had also from the young man which I sent there, that the *Indians* were almost starved, having nothing to live upon but what they got by fishing, fowling and hunting, that he had no other way to come at them, to preach to them, but by following them from place to place in their hunting. And though the condition of all may not be quite so indigent as of these, nor the condition of these at all times quite so bad as it was then, yet it is well known that they universally depend upon roving and hunting mainly for their support; and whoever has heard the constant complaint of missionaries, and the matter of their discouragement, or has only read what the Reverend Messrs. *Sergeant* and *D. Brainerd* have wrote upon this head, can't charge me with writing without sufficient evidence, and good authority, if I had no other but theirs.

And what are a few instances, where schools may possibly be maintained to some good purpose, compared with those tribes and nations of them, where there are no circumstances at present, but their misery and necessity, to invite us so much as to make the trial.

By the blessing of God on his late Majesty's arms, there is now, no doubt, a door opened for a hundred missionaries; and (unless we can find such as can speak to them in their own language) for as many interpreters; and perhaps for ten times that number, provided we could find such as are suitable for the business, and such as may be introduced in a way agreeable to the savages, and so as to avoid the bad effects of their prejudices against the *English*. But,

9. There are very few or no interpreters, who are suitable and well-accomplished for the business, to be had. Mr. *Occom* found great difficulty last year in his mission on this account. And not only the cause, but his own reputation suffered much by the unfaithfulness of the man he employed.

I suppose the interpreters now employed by the Hon. Commissioners are the best that are to be had at present. But how many nations are there for whom there is no interpreter at all, except, it may be, some ignorant and perhaps vicious person, who has been their captive, and whom it is utterly unsafe to trust in

matters of such eternal consequence. And how shall this difficulty be remedied? It seems it must be by one of these two ways, viz. either their children must come to us, or ours go to them. But who will venture their children with them, unless with some of the civilized parties, who have given the strongest testimonies of their friendship? If it be said, that all the natives are now at peace with us: It may be, their chiefs, and the better-temper'd part of them are so. But who does not know that their leagues and covenants with us are little worth, and like to be so till they become Christians? And that the tender mercies of many of them are cruelty? Who is so unacquainted with the history of them, as not to know, there is reason to think, there are many among their lawless herds, who would gladly embrace an opportunity to commit a secret murder on such *English* youth?—Even Mr. *Occom*, though an *Indian*, did not think it safe for him, being of another tribe and language, and in such connections with the *English*, to go among the numerous tribe of the *Seneca's*, where he had no avenger of his blood for them to fear.

When, and as soon as the method proposed by the Rev'd Mess. *Sergeant* and *Brainerd*, can be put into execution, viz. to have lands appropriated to the use of *Indian* schools, and prudent skilful farmers, or tradesmen, to lead and instruct the boys, and mistresses to instruct the girls in such manufactures as are proper for them, at certain hours, as a diversion from their school exercises, and the children taken quite away from their parents, and the pernicious influence of *Indian* examples, there may be some good prospect of great advantage by schools among them.

And must it be esteemed a wild imagination, if it be supposed that well-instructed, sober, religious *Indians*, may with special advantage be employed as masters and mistresses in such schools; and that the design will be much recommended to the *Indians* thereby; and that there may be special advantage by such, serving as occasional interpreters for visitors from different nations from time to time; and they hereby receive the fullest conviction of the sincerity of our intentions, and be confirmed and established in friendly sentiments of us, and encouraged to send their children, &c.?

I am fully persuaded from the acquaintance I have had with them, it will be found, whenever the trial shall be made, to be very difficult if not impossible, unless the arm of the Lord should be revealed in an eminent manner, to cure them of such savage and sordid practices, as they have been inured to from their mother's womb, and form their minds and manners to proper rules of virtue, decency and humanity, while they are daily under the pernicious influence of their parents example, and their many vices made familiar thereby.

10. I have found by experience, there may be a thorough and effectual exercise of government in such a school, and as severe as shall be necessary, without opposition from, or offence taken by, any. And who does not know, that evils so obstinate as those we may reasonably expect to find common in the children of savages, will require that which is severe? Sure I am, they must find such as have better natures, or something more effectually done to subdue their vicious inclinations, than most I have been concerned with, if it be not so. And moreover, in such a school, there will be the best opportunity to know who has such a genius and disposition, as most invite to bestow extraordinary expence to fit them for special usefulness.

11. We have the greatest security we can have, that when they are educated and fitted for it, they will be employed in that business. There is no likelihood at all that they will, though ever so well qualified, get into business, either as school-masters or ministers, among the *English*; at least till the credit of their nations be raised many degrees above what it now is, and consequently they can't be employed as will be honorable for them, or in any business they will be fit for, but among their own nation. And it may reasonably be supposed, their compassion towards their "brethren according to the flesh" will most naturally incline them to, and determine them upon such an employment as they were fitted and designed for. And besides all this, abundant experience has taught us, that such a change of diet, and manner of living as missionaries must generally come into, will not consist with the health of many *Englishmen*. And they will be obliged on that account to leave the service, though otherwise well disposed to it. Nor can this difficulty be avoided at present (certainly not without great expence.) But there is no great danger or difficulty in this respect as to *Indians*, who will only return to what they were used to from their mother's womb.

And there may also be admitted into this school, promising *English* youth of pregnant parts, and who from the best principles, and by the best motives, are inclined to devote themselves to that service; and who will naturally care for their state.

Divine skill in things spiritual, pure and fervent zeal for the salvation of souls, shining examples of piety and godliness, by which pagans will form their first notions of religion, rather than from any thing that shall be said to them, are most necessary qualifications in a missionary; and promise more real good than is to be expected from many times the number who have never "known the terrors of the Lord," and have no experimental, and therefore no right understanding of the nature of conversion and the way wherein it is wrought. Such were never under the governing influ-

ence of a real sense of the truth, reality, greatness and importance of eternal things, and therefore will not be likely to treat them suitable to the nature and eternal consequences of them, surely they will not naturally do it. And how sad are like to be the consequences to those who are watching to see whether the preacher himself does really believe the things which he speaks.

In such a school their studies may be directed with a special view to the design of their mission. Several parts of learning, which have no great subserviency to it, and which will consume much time, may be less pursued, and others most necessary made their chief study. And they may not only learn the pagan languages, but will naturally get an understanding of their tempers, and many of their customs, which must needs be useful to missionaries. And instead of a delicate manner of living, they may by degrees, as their health will bear, enure themselves to such a way of living as will be most convenient for them to come into when on their mission.

And if the one half of the *Indian* boys thus educated shall prove good and useful men, there will be no reason to regret our toil and expence for the whole. And if God shall deny his blessing on our endeavours, as to the general design, it may be these particular youth may reap eternal advantage by what we do for them; and if but one in ten does so, we shall have no cause to think much of the expence. And if a blessing be denied to all, “we shall notwithstanding be unto God a sweet favour of Christ in them that perish.”

After the trial I made of this nature some years ago, by the assistance of the Honourable London Commissioners, in the education of Mr. *Samson Occom*, one of the *Mohegan* tribe, who has several years since been a useful school-master and successful preacher of the gospel to the *Indians* at *Montauk* on *Long-Island*, where he took the place of the Rev. Mr. *Horton*, missionary; and was, under God, instrumental to cure them in a good measure, of the wildness they had been led into by some exhorters from *New-England*, and in a judgment of charity was the instrument of saving good to a number of them. He was several years ago ordained to the sacred ministry by the Reverend Presbytery of *Suffolk County* on said Island; and has done well, so far as I have heard, as a missionary to the *Oneida* nation, for two years past. May God mercifully preserve him, amidst loud applauses, from falling into the snare and condemnation of the devil!—I say, after seeing the success of this attempt, I was more encouraged to hope that such a method might be very successful.

With these views of the case, and from such motives as have been mentioned, above eight years ago I wrote to the Reverend

John Brainerd, missionary in *New-Jersey*, desiring him to send me two likely boys for this purpose, of the *Deleware* tribe: He accordingly sent me *John Pumshire* in the 14th, and *Jacob Woolley* in the 11th years of their age; they arrived here *December 18th. 1754.* and behaved as well as could be reasonably expected; *Pumshire* made uncommon proficiency in writing. They continued with me till they had made considerable progress in the Latin and Greek tongues; when *Pumshire* began to decline, and by the advice of physicians, I sent him back to his friends, with orders, if his health would allow it, to return with two more of that nation, whom Mr. *Brainerd* had at my desire provided for me. *Pumshire* set out on his journey, *November 14th. 1756.* and got home, but soon died. And on *April 9th. 1757,* *Joseph Woolley* and *Hezekiah Calvin* came on the horse which *Pumshire* rode.

The decline and death of this youth was an instructive scene to me, and convinced me more fully of the necessity of special care respecting their diet; and that more exercise was necessary for them, especially at their first coming to a full table, and with so keen an appetite, than was ordinarily necessary for *English* youth. And with the exercise of such care, as one who understands the case, and is willing to take the trouble of it, may use, I am persuaded there is no more danger of their studies being fatal to them, than to our own children. There have been several long fits of sickness of one and another in this school, with a nervous fever, pleurisy, dysentery, &c. but perhaps not more than have been among so large a number of common labouring people in so long a time.

Sometime after those boys came, the affair appearing with an agreeable aspect, it being then a time of profound peace in this country, I represented the affair to Colonel *Elisha Williams, Esq;* late rector of *Yale-College*, and to the Rev'd Messrs *Samuel Moseley* of *Windham*, and *Benjamin Pomeroy* of *Hebron*, and invited them to join me; they readily accepted the invitation; and a gentleman learned in the law supposed there might be such an incorporation among ourselves as might fully answer our purpose. And Mr. *Joshua Moor*, late of *Mansfield*, deceased, appeared to give a small tenement in this place, for the foundation, use and support of a Charity-School, for the education of *Indian* youth, &c. But it pleased God to take the good Colonel from an unthankful world soon after the covenant was made and executed, and thus deprived us of the benefit of his singular learning, piety and zeal in the affair. Notwithstanding, a subscription was soon made of near £.500 lawful money, towards a fund for the support of it at 6 per cent. But several gentlemen of the law, doubting of the validity and sufficiency of such an incorporation; several steps were taken

to obtain the royal favour of a charter, but none effectual. The war soon commenced, and the reports from day to day of the ravages made, and inhumanities and butcheries committed by the savages on all quarters, raised in the breasts of great numbers, a temper so warm, and so contrary to charity, that I seldom thought it prudent so much as to mention the affair. Many advised me to drop it, but it appeared to others so probable to be the very method which God would own, that I thought better to scrabble along with it, as well as I could, till divine Providence should change the scene.

The prospects, notwithstanding our outward troubles, seemed to be increasing: Such was the orderly and good behaviour of the boys, through the blessing of God on instruction and discipline, that enemies could find but little or nothing that was true where-with they might reproach the design; and those whose sentiments were friendly, observed with pleasure the good effects of our endeavours: And the liberalities, especially of gentlemen of character, encouraged me more and more to believe it to be of God, and that he designed to succeed and prosper it, to the glory of his own great name; and that I ought in compliance with such intimations of Providence from time to time, proportionably to increase the number.

I have had two upon my hands since *December 18th. 1754*, and four since *April, 1757*, and five since *April 1759*, and seven since *November, 1760*. and eleven since *August 1st. 1761*, and after this manner they have increased as I could obtain those who appeared promising. And for some time I have had twenty-five devoted to school as constantly as their health will allow, and they have all along been so, excepting that in an extraordinary croud of business, I have sometimes required their assistance. But there is no great advantage, excepting to themselves, to be expected from their labour, nor enough to compensate the trouble of instructing them in it, and the repair of the mischiefs they will do, while they are ignorant of all the affairs of husbandry, and the use of tools. The principal advantage I have ever had in this respect has been by *David Fowler* and *Joseph Woolley*, and more by *David* than all the rest: These lads will likely make good farmers, if they should ever have the advantage of experience in it.

Three of this number are *English* youth, one of which is gone for a time to *New-Jersey* College, for the sake of better advantage for some parts of learning: He has made some proficiency in the *Mohawk* tongue: The other two are fitting for the business of missionaries. One of the *Indian* lads is *Jacob Woolley*, who is now in his last year at *New-Jersey* College, and is a good scholar; he is here by the leave and order of the President, desiging to get some

acquaintance with the *Mohawk* tongue. Two others are sent here by the Rev. Mr. *Brainerd*, and are designed for trades; the one for a blacksmith (a trade much wanted among the *Indians*) and is to go to his apprenticeship as soon as a good place is ready for him; the other is designed for a carpenter and joiner, and is to go to an apprenticeship as soon as he has learned to read and write. Another of the *Indians* is son to the sachem at *Mohegan*, and is heir-apparent; he is somewhat infirm as to his bodily health: For his support last year I have charged nothing more than 10*l*. lawful money, granted by the Hon. *London* Commissioners. Several of my scholars are considerably well accomplished for school-masters, and 7 or 8 will likely be well fitted for interpreters in a few years more. And four of this number are girls, whom I have hired women in this neighbourhood to instruct in all the arts of good housewifery, they attending the school one day in a week to be instructed in writing, &c. till they shall be fit for an apprenticeship, to be taught to make men's and women's apparel, &c. in order to accompany these boys, when they shall have occasion for such assistance in the business of their mission.* And six of them are *Mohawks*, obtained pursuant and according to the direction of the Honorable General Assembly of the Province of the *Massachusetts-Bay*, and are learning to speak, write, and read *English*: And the most of them make good proficiency therein.

I have, by the good Providence of God, been favoured with religious, faithful and learned masters, in general, from the first setting up of this school, at the expence of about £.56 lawful money per annum, i. e. £.3 per month, with their board, and all accommo-

* This part of my plan seems to be abundantly justified by that which the Rev. Dr. *Colman* of *Boston*, and the Rev. Mr. *Sergeant* of *Stockbridge*, have wrote upon this head. See Mr. *Sergeant's* letter to the Doctor, printed at *Boston* 1743, Page 15. The Doctor writes thus:—“Another thing suggested by Mr. *Sergeant* and a most wise and necessary one in the present case is—his taking in girls as well as boys, if Providence succeed the design, and a fund sufficient to carry it on can be procured:—I must needs add on this head, that this proposal is a matter of absolute necessity, wherein we are not left at liberty, either as men or Christians; for there cannot be a propagation of religion among any people, without an equal regard to both sexes; not only because females are alike precious souls, form'd for God and religion as much as the males; but also because the care for the souls of children in families, and more especially in those of low degree, lies chiefly upon the mothers for the first 7 or 8 years: Which is an observation or remark which I had the honour to make unto my dear and honoured ancient friend, *Henry Newman*, Esq; Secretary to the Hon. and Rev. Society for promoting Christian Knowledge; which when he had communicated to them they put into print, and sent it to the Directors of the 1764 schools; (if I have not miscounted) that so a greater proportion of girls might be taken into them to receive a religious education for the sake of their posterity, and therein for the more effectual answering the very end of their charity schools.”—

dations, and a horse kept or provided when needed; which I suppose can't be esteemed less than the sum which I mention: and if this seems to any to be large, I have only this to say, that I could not have the choice of masters at less expence. But the expence for tuition will likely be saved for some time, by the generosity of a young gentleman, who proposes to keep it *gratis* a few months.

The method of conducting this school has been, and is designed to be after this manner, viz. they are obliged to be clean, and decently dressed, and be ready to attend prayers, before sunrise in the fall and winter, and at 6 o'clock in the summer. A portion of Scripture is read by several of the seniors of them: And those who are able answer a question in the *Assembly's Catechism*, and have some questions asked them upon it, and an answer expounded to them. After prayers, and a short time for their diversion, the school begins with prayer about 9, and ends at 12, and again at 2, and ends at 5 o'clock with prayer. Evening prayer is attended before the day-light is gone. Afterwards they apply to their studies, &c. They attend the publick worship, and have a pew devoted to their use, in the house of God. On Lord's-Day morning, between and after the meetings, the master, or some one whom they will submit to, is with them, inspects their behaviour, hears them read, catechises them, discourses to them, &c. And once or twice a week they hear a discourse calculated to their capacities upon the most important and interesting subjects. And in general they are orderly and governable: They appear to be as perfectly easy and contented with their situation and employment as any at a father's house. I scarcely hear a word of their going home, so much as for a visit, for years together, except it be when they first come.

And the success of endeavours hitherto, the general approbation of great and good men, and the testimonies many have given of it, by their seasonable liberality towards it's support, have seemed to me such evident tokens of a Divine Hand in favour of it, and so plain intimations of the Divine Will concerning it, that I have, as I said before, thought it duty, notwithstanding all discouragements, to pursue the design, and endeavour to keep pace with the providences of God in favour of it as to their number, and trust in Him, "whose the earth is, and the fulness thereof," for further supplies. And I have hoped this would be esteemed sufficient to clear me of the imputation of presumption and rashness in risking my own private interest, as I have done.

The Honourable London Commissioners hearing of the design, enquired into it, and encouraged it by an allowance of 12l. lawful money, by their vote *November* 12. 1756. And again in the year 1758 they allowed me 20l. — and in *November* 4th, 1760, granted

me an annual allowance of 20*l.* for my assistance — and in *October* 8th, 1761, they granted me 12*l.* towards the support of *Isaiah Uncas*, son of the sachem of *Mohegan*, and 10*l.* more for his support the following year. In *October* 1756, I received a legacy of fifty-nine dollars of Mrs. *Ann Bingham* of *Windham*. In *July* 1761, I received a generous donation of fifty pounds sterling from the Right Hon. William, Marquis of *Lothian*. And in *Nov.* 1761, a donation of 25*l.* sterl. from Mr. *Hardy* of *London* — and in *May* 1762, a second donation of 50*l.* sterl. from that most honorable and noble lord, the Marquis of *Lothian*; and at the same time 20*l.* sterl. from Mr. *Samuel Savage*, merchant in *London*: and a collection of ten guineas from the Rev. Dr. *A. Giffords* in *London*: and 10*l.* sterl. more from a lady in *London*, unknown, which is still in the hands of a friend, and to be remitted with some additional advantage, and to be accounted for when received. And also for 7 years past I have, one year with another, received about 11*l.* lawful money annually, interest of subscriptions. And in my journey to *Portsmouth* last *June*, I received in private donations 66*l.* 17*s.* 7*d.* 1-4th. lawful money. I also received for the use of this school, a bell of about 80 lb. weight, from a gentleman in *London*. In *November* 1761, the Great and General Court or Assembly of the Province of *Massachusetts-Bay*, voted, that I should be allowed to take under my care six children of the *Six Nations*, for education, clothing and boarding, and be allowed for that purpose, for each of said children, 12*l.* per annum for one year, which boys I have obtained, and they have been for some time in this school.

The Honourable Scotch Commissioners in and near *Boston*, understanding and approving of the design of sending for *Indian* children of remote tribes, to be educated here, were the first body, or society, who have led the way in making an attempt for that purpose. Which because of the newness and remarkable success of it, and because it may encourage such a design in time to come, I suppose it may not be disagreeable, if I am a little particular in my account of it: While I was in *Boston* they passed a vote to this purpose, *May* 7, 1761, “That the Reverend Mr. *Wheelock* of *Lebanon* be desired to fit out *David Fowler*, an *Indian* youth, to accompany Mr. *Sampson Ocom*, going on a mission to the *Oneidas*, that said *David* be supported on said mission for a term not exceeding 4 months; and that he endeavour on his return to bring with him a number of *Indian* boys, not exceeding three, to be put under Mr. *Wheelock’s* care and instruction, and that 20*l.* be put into Mr. *Wheelock’s* hands to carry this design into execution; and that when said sum shall be expended, he advise the treasurer of it, and send his accounts for allowance.”

Pursuant to this vote I cloathed and furnished said *David* with horse and money, for his long tour into the wilderness, which he set out on *June* 10th, in company with Mr. *Occom*, by the way of *New-York*; in which journey he rode above a thousand miles, and by the advice, direction and assistance of Sir William Johnson, obtained three boys of the *Mohawk* nation, who were willing to leave their friends and country and come among strangers of another language, and quite another manner of living, and where, perhaps, no one of their nation then living had ever been; and among a people of whom their nation have been of a long time inclined to entertain jealousies. Their names were *Joseph*, *Negyes*, and *Center*. They arrived here *August* 1st, 1761, but had so much caution in the extraordinary enterprize, that they brought each of them an horse from their own country. Two of them were but little better than naked, and could not speak a word of *English*. The other being of a family of distinction among them, was considerably cloathed, *Indian-fashion*, and could speak a few words of *English*. They let me know, as soon as I could understand them, that Sir Wm. Johnson had told them they should return and visit their friends in the fall of the year. I took speedy care to *cleanse* and cloath them. They many ways discovered some jealousies respecting the design of their coming; but by acquaintance and freedom with other *Indians* in the school, and by constant care for them and kindness to them, those jealousies seemed in a little time to wear away, and they appeared to feel and enjoy themselves as though they had been at home in a father's house. Daily care was exercised for them, and particular caution that they might in no instance appear to be, thro' disrespect, distinguished from any in the school. Such distinction, or any thing which they apprehend to be so, I find will at once occasion jealousies and disaffection. And this seems to be agreeable to a settled principle among themselves, (according to which they are wont to treat their captives) viz. that those who take the patronage of children, not their own, shall treat them in all respects as their own.

Center's countenance, as I thought when he came, discovered that he was not in health. My suspicions increased, and the issue proved they were not groundless. He continued with me till the fall, when the physician I employed advised me, that his disorders threatened his life, and prevailed to such a degree that he looked upon him to be incurable, and that he judged it best to send him back to his friends, and that soon, or it would be too late to send him at all; and according to this advice I sent him away with *Negyes*, having furnished them with money for their journey into the *Mohawk* country, on the 23d day of *October*. *Joseph* tarried longer to accompany young *Kirtland*, who was learning the

Mohawk language of him, and whom I sent into that country to obtain six boys of those nations, to partake of the benefit of Sir Peter Warren's legacy, according to the instructions of the General Assembly of the Province of *Massachusetts-Bay*, before mentioned.

Center reached home, but died soon after. *Negyes*, I hear, was captivated by a young female and married. Mr. *Kirtland* and *Joseph* set out for the *Mohawk* country *November* 4th, and returned *November* 27th, and brought two *Mohawk* lads with them, viz. *Moses* and *Johannes*, by whom Sir Wm. Johnson informed me that he expected to be able to send the rest when they came in from hunting. I informed the Hon. Commissioners of the state of the case, and by a letter from the Reverend Dr. Chauncy, chairman of their committee, in the name of the rest, was desired to let them have in their pay and under their direction these two who came last with *Joseph*, which I consented to, provided they would remit the necessary charges which I had been at in procuring and cloathing them, and give me as I afterwards charged them for their support and tuition, upon which conditions they took them. I immediately sent to Sir Wm. Johnson for other six to partake of Sir Peter Warren's legacy. These three, viz. *Joseph*, *Moses* and *Johannes*, continued with me in the pay of the Commissioners till *May* 27, 1762, when I offered said committee my accompt, the whole amount of which, that is, for cloathing and furnishing *David* with horse and money for his support in his long journey of several months, the expence of the boy's journey home above 200 miles. The expence of *Kirtland's* journey (excepting his horse) into that country to bring down *Moses* and *Johannes*. The pasturing the horses of the first three the time they continued here, in a dry and difficult season; the cloathing all five, and repairing their cloathing the whole time they tarried; the boarding and schooling them, finding washing, lodging, firewood, candles, books, paper, &c. I say, the amount of the expence for the five and in the whole affair for near twelve months, errors excepted, was but just 58l. 17s. 7d. 1-4th. sterling. But in this accompt I charged nothing for several expensive journeys in this government, taken by myself, and another preparatory and necessary to the design of *David's* mission, nor for any labour, care or pains of my own therein from first to last—For their board, washing and lodging but 5s. per week; the lowest common price in these parts was 6s. L. M. What cloathing, &c. they had of me, I charged at the lowest cash-price, and what I got for them of our traders, shoemakers, taylors, &c. I charged just as they charged me, without any advance in one instance. I charged nothing for extraordinary trouble and care for *Center*, in his declining state; nor did the physician charge for what he did for him. And there were other provisions made to

prevent expence of money in their journeyings more than is common, for which there was nothing charged, by all which the accompt was somewhat less than it would otherwise have been — But then on the other hand it may be considered,

1. That provisions of all sorts were then, and still are, at an higher price than ever before in these parts, occasioned by the preceding wars and extreme drought. When they are reduced to their usual price, the expence of educating *Indian* youth will be much less.

2. The circumstances of this undertaking were extraordinary, and the necessary expences of it were consequently so, and such as there may never be such occasion for again. This was the opening a door which never had been opened for such a purpose to these nations; and it was thought by many who knew their great fondness for their children, that it could not be soon accomplished, i. e. to make either parents or children willing to comply with an invitation to come such a vast length, and under such circumstances as have been mentioned. But the report of *David* confirmed by the boys on their return, has given such conviction of the sincerity and kindness of our intentions towards them, as has removed all objections. And nothing more is now necessary to our obtaining as many well-chosen boys and girls as we please, but to employ some faithful missionary among them for that purpose.

I have been the more particular in this account, because I would remove the unreasonable prejudices raised against this method, by partial and unfair accounts, and a cry of enormous expences, &c. And to let the world know there is nothing in it worthy to be objected by one who is in earnest to accomplish this great and important design.

What I have done for this school since its beginning, in many expensive journies; (for none of which have I ever charged any thing at all); in constant care for their health, in endeavours to cure their savage disposition, and form their minds and manners to right rules of virtue and religion, in extraordinary care and trouble for several of them in sickness, in expences by company, not only of *English* but *Indians* at my house, occasioned thereby; and incidental charges in many instances, none are able justly to estimate, or likely so much as to think of many of them, but one who is intimately acquainted with the business: In consideration for which I have had the assistance of several of them a few times in an extraordinary croud of business; and of late some advantage by the school to two of my own children. Which reward I suppose impartial judges will not think to bear a very considerable proportion to these expences which are not charged, and which in my judgment is not the one tenth part of them.

Mr. Moor's grant contains about two acres of pasturing, a small house and shop; for the use of which from the first I have received about £. 4 lawful money, clear of the charge of repairing, which is not equal to the money I have paid to physicians which is not charged.

I have professed to have no view to making an estate by this affair: what the singleness and uprightness of my heart has been before God, he knows; and also how greatly I stand in need of his pardon.

My accompt with the school has been charged after the following manner, viz. For the whole expence of cloathing, boarding and tutoring the boys from *December* 18th. 1754, to *November* 26th. 1760. at the rate of £. 16 lawful money per annum, for each; but when their number was so increased I found it necessary to come nearer to the true value of it, and have since used greater exactness; but have never charged higher than at the lowest money price for what they have had of me, and for what I have bought for them of our traders, shoemakers, taylor, &c. I have charged just what I have given, and no more. I have charged for their tuition, as for *English* scholars, i. e. for Latin scholars, and such as were savage and needed much care and instruction, at 2 *£*. L. M. per week, or £. 4 10*£*. per annum; and for others proportionably. The whole school, one year with another, has not quite cleared my expence for the master. Last year it did a little more; and since the 27th of *May* last, it has over-done my expence for the master 15 *£*. 8 *d*. besides the tuition of the girls. I have charged for the girls but 4 *d*. per week, i. e. for one day's schooling and dinner; and the whole expence for their education will be but little more than their cloathing.

The total amount of all my disbursements in this whole affair, for near eight years, that is, since *December* 18. 1754, to *November* 27. 1762, charged in the manner, and after the rate before-mentioned, is, (errors excepted) £. 566 2*£*. 5*d*. sterling. — And the total amount of all the donations before-mentioned, together with smaller ones, which I suppose needless to mention particularly, received within the said term, is, (errors excepted) £. 509 2*£*. 5*d*. sterling.

And as this school was set up when there was no scheme devised, or plan laid, which this could be in opposition to; so it is not continued in opposition to any other measures which are proposed or pursued by others.

And, blessed be God that he has put it into the hearts of a number of gentlemen of ability in and near Boston, to contribute so liberally towards the furtherance of the general design. And is it not a pity that Christians of all denominations should not unite their utmost endeavours for the accomplishment of it; and espe-

cially now while the door is so widely opened for it? And what a pity is it that any time should be lost? And how exceedingly mean, and infinitely beneath those noble sentiments, and that generous love to the souls of men, and to our king and country, which true religion inspires, will it be to fall into parties; and on account of differing opinions respecting the most probable methods for accomplishing the end, to obstruct and hinder one another therein? There is enough for all to do; and the affair is of so great importance, that it calls for the trial of every method that has the least probability of success; and different methods may greatly subserve and assist one another. . . .

And I would take this opportunity to express my gratitude for those generous benefactions whereby this infant institution has been hitherto supported; and I hope through the blessing of God upon our endeavours, those pious benefactors will have occasion for the most easy and comfortable reflections, as having made an offering acceptable to God, and bestowed it well for the advancement of the kingdom, and glory of the great Redeemer: And that the blessing of many of our *American* heathens, who shall in the present and succeeding generations, reap the benefit thereof, may come upon them: And that others understanding that this school still lives, under God, upon the charity of good men, will be moved to open their hands to minister further, and necessary supplies for it.

Eleazar Wheelock, the noble teacher of the Indians in the last century and the founder of Dartmouth College, was born in Windham, Conn., in 1711, graduated at Yale College in 1733, and was ordained over the Second church in Lebanon, Conn., in 1735. He worked for a time with such zeal that he preached in one year "a hundred more sermons than there are days in the year." He took pupils into his house to educate, and in 1743 received Samson Occom, a Mohican Indian. He now conceived the plan of an Indian missionary school, and by 1762 he had nearly twenty Indian youths under his charge, supported by the contributions of benevolent people. Joshua Moor, a Mansfield farmer, gave the school a house and two acres of land in Lebanon, in 1754, and the school took the name of Moor's Indian Charity-school. In 1766, Occom and Rev. Nathaniel Whitaker went to England, and by their exertions an endowment of about £10,000 was obtained. A list is still preserved of subscriptions made from two hundred places in Great Britain. The Earl of Dartmouth became the president of the board of trustees. In 1770 the school was removed to Dresden (now Hanover), N. H., that place being chosen for its healthfulness and also on account of the large landed endowment proffered by Governor Wentworth; and a college for general higher education was added, named for Lord Dartmouth, although he and the other trustees of the Indian school were opposed to its establishment, and the two institutions remained nominally separate until 1849. Wheelock became president of the college, with the privilege of naming his successor. He died in 1779, during the Revolution, which blighted the prospects of the Indian school, as many tribes adhered to England, although the Oneidas were probably kept from doing so by the influence of the school. Dr. Wheelock published several "continuations" of his narrative of the Indian school, those of 1771 and 1772, describing the removal to Hanover and the hardships attending the opening of the school in the wilderness, — for Hanover was then a wilderness, and the motto on the seal of Dartmouth College is *Vox clamantis in Deserto*, — being especially interesting. Wheelock's work for the education of the Indians is conspicuous in our colonial history. But the student should read of the effort at Henrico, in Virginia, in 1619, of the early efforts at Harvard, — the first brick building on the grounds at Harvard was the Indian College, for the education of Indian youth, and in this building Eliot's Indian Bible was printed, — the plans of Robert Boyle and Bishop Berkeley, etc.



The Petition of Right.

June 7, 1628.

The Petition exhibited to His Majesty by the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, concerning divers Rights and Liberties of the Subjects, with the King's Majesty's Royal Answer thereunto in full Parliament.

TO THE KING'S MOST EXCELLENT MAJESTY.

Humbly show unto our Sovereign Lord the King, the Lords Spiritual and Temporal, and Commons in Parliament assembled, that whereas it is declared and enacted by a statute made in the time of the reign of King Edward the First, commonly called, *Statutum de Tallagio non concedendo*¹, that no tallage or aid shall be laid or levied by the King or his heirs in this realm, without the goodwill and assent of the Archbishops, Bishops, Earls, Barons, Knights, Burgesses, and other the freemen of the commonalty of this realm: and by authority of Parliament holden in the five and twentieth year of the reign of King Edward the Third, it is declared and enacted, that from thenceforth no person shall be compelled to make any loans to the King against his will, because such loans were against reason and the franchise of the land; and by other laws of this realm it is provided, that none should be charged by any charge or imposition, called a Benevolence, or by such like charge, by which the statutes before-mentioned, and other the good laws and statutes of this realm, your subjects have inherited this freedom, that they should not be compelled to contribute to any tax, tallage, aid, or other like charge, not set by common consent in Parliament:

Yet nevertheless, of late divers commissions directed to sundry Commissioners in several counties with instructions

¹ This is now held not to have been a statute. See Gardiner's *Documents of the Puritan Revolution*, page 1

have issued, by means whereof your people have been in divers places assembled, and required to lend certain sums of money unto your Majesty, and many of them upon their refusal so to do, have had an oath administered unto them, not warrantable by the laws or statutes of this realm, and have been constrained to become bound to make appearance and give attendance before your Privy Council, and in other places, and others of them have been therefore imprisoned, confined, and sundry other ways molested and disquieted : and divers other charges have been laid and levied upon your people in several counties, by Lords Lieutenants, Deputy Lieutenants, Commissioners for Musters, Justices of Peace and others, by command or direction from your Majesty or your Privy Council, against the laws and free customs of this realm :

And where also by the statute called, ‘The Great Charter of the Liberties of England,’ it is declared and enacted, that no freeman may be taken or imprisoned or be disseised of his freeholds or liberties, or his free customs, or be outlawed or exiled ; or in any manner destroyed, but by the lawful judgment of his peers, or by the law of the land :

And in the eight and twentieth year of the reign of King Edward the Third, it was declared and enacted by authority of Parliament, that no man of what estate or condition that he be, should be put out of his lands or tenements, nor taken, nor imprisoned, nor disherited, nor put to death, without being brought to answer by due process of law :

Nevertheless, against the tenor of the said statutes, and other the good laws and statutes of your realm, to that end provided, divers of your subjects have of late been imprisoned without any cause showed, and when for their deliverance they were brought before your Justices, by your Majesty’s writs of Habeas Corpus, there to undergo and receive as the Court should order, and their keepers commanded to certify the causes of their detainer ; no cause was certified, but that they were detained by your Majesty’s special command, signified by the Lords of your Privy Council, and yet were returned back to several prisons, without being charged with anything to which they might make answer according to the law :

And whereas of late great companies of soldiers and mariners have been dispersed into divers counties of the realm, and the inhabitants against their wilis have been compelled to receive them into their houses, and there to suffer them to sojourn, against the laws and customs of this realm, and to the great grievance and vexation of the people :

And whereas also by authority of Parliament, in the 25th year of the reign of King Edward the Third, it is declared and enacted, that no man shall be forejudged of life or limb against the form of the Great Charter, and the law of the land: and by the said Great Charter and other the laws and statutes of this your realm, no man ought to be adjudged to death; but by the laws established in this your realm, either by the customs of the same realm or by Acts of Parliament: and whereas no offender of what kind soever is exempted from the proceedings to be used, and punishments to be inflicted by the laws and statutes of this your realm: nevertheless of late divers commissions under your Majesty's Great Seal have issued forth, by which certain persons have been assigned and appointed Commissioners with power and authority to proceed within the land, according to the justice of martial law against such soldiers and mariners, or other dissolute persons joining with them, as should commit any murder, robbery, felony, mutiny, or other outrage or misdemeanour whatsoever, and by such summary course and order, as is agreeable to martial law, and is used in armies in time of war, to proceed to the trial and condemnation of such offenders, and them to cause to be executed and put to death, according to the law martial:

By pretext whereof, some of your Majesty's subjects have been by some of the said Commissioners put to death, when and where, if by the laws and statutes of the land they had deserved death, by the same laws and statutes also they might, and by no other ought to have been, adjudged and executed:

And also sundry grievous offenders by colour thereof, claiming an exemption, have escaped the punishments due to them by the laws and statutes of this your realm, by reason that divers of your officers and ministers of justice have unjustly refused, or forborne to proceed against such offenders according to the same laws and statutes, upon pretence that the said offenders were punishable only by martial law, and by authority of such commissions as aforesaid, which commissions, and all other of like nature, are wholly and directly contrary to the said laws and statutes of this your realm:

They do therefore humbly pray your Most Excellent Majesty, that no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such like charge, without common consent by Act of Parliament; and that none be called to make answer, or take such oath, or to give attendance, or be confined, or otherwise molested or disquieted concerning the same, or for refusal thereof; and that no freeman, in any such

manner as is before-mentioned, be imprisoned or detained ; and that your Majesty will be pleased to remove the said soldiers and mariners, and that your people may not be so burdened in time to come ; and that the foresaid commissions for proceeding by martial law, may be revoked and annulled ; and that hereafter no commissions of like nature may issue forth to any person or persons whatsoever, to be executed as aforesaid, lest by colour of them any of your Majesty's subjects be destroyed or put to death, contrary to the laws and franchise of the land.

All which they most humbly pray of your Most Excellent Majesty, as their rights and liberties according to the laws and statutes of this realm : and that your Majesty would also vouchsafe to declare, that the awards, doings, and proceedings to the prejudice of your people, in any of the premises, shall not be drawn hereafter into consequence or example : and that your Majesty would be also graciously pleased, for the further comfort and safety of your people, to declare your royal will and pleasure, that in the things aforesaid all your officers and ministers shall serve you, according to the laws and statutes of this realm, as they tender the honour of your Majesty, and the prosperity of this kingdom.

[Which Petition being read the 2nd of June 1628, the King's answer was thus delivered unto it.

The King willeth that right be done according to the laws and customs of the realm ; and that the statutes be put in due execution, that his subjects may have no cause to complain of any wrong or oppressions, contrary to their just rights and liberties, to the preservation whereof he holds himself as well obliged as of his prerogative.

On June 7 the answer was given in the accustomed form, *Soit droit fait comme il est désiré.*]

THE REMONSTRANCE AGAINST TONNAGE AND POUNDAGE

[June 25, 1628.]

Most Gracious Sovereign, your Majesty's most loyal and dutiful subjects, the Commons in this present Parliament assembled, being in nothing more careful than of the honour and prosperity of your Majesty, and the kingdom, which they know do much depend upon that happy union and relation betwixt your Majesty and your people, do with much sorrow apprehend, that by reason of the incertainty of their continuance together, the unexpected interruptions which have been cast upon them, and the shortness of time in which your Majesty hath deter-

mined to end this Session, they cannot bring to maturity and perfection divers businesses of weight, which they have taken into their consideration and resolution, as most important for the common good : amongst other things they have taken into especial care the preparing of a Bill for the granting of your Majesty such a subsidy of Tonnage and Poundage, as might uphold your profit and revenue in as ample a manner as their just care and respect of trade (wherein not only the prosperity, but even the life of the kingdom doth consist) would permit : but being a work which will require much time, and preparation by conference with your Majesty's officers, and with the merchants, not only of London, but of other remote parts, they find it not possible to be accomplished at this time : wherefore considering it will be much more prejudicial to the right of the subject, if your Majesty should continue to receive the same without authority of law, after the determination of a Session, than if there had been a recess by adjournment only, in which case that intended grant would have related to the first day of the Parliament ; and assuring themselves that your Majesty is resolved to observe that your royal answer, which you have lately made to the Petition of Right of both Houses of Parliament ; yet doubting lest your Majesty may be misinformed concerning this particular case, as if you might continue to take those subsidies of Tonnage and Poundage, and other impositions upon merchants, without breaking that answer, they are forced by that duty which they owe to your Majesty, and to those whom they represent, to declare, that there ought not any imposition to be laid upon the goods of merchants, exported or imported, without common consent by Act of Parliament, which is the right and inheritance of your subjects, founded not only upon the most ancient and original constitution of this kingdom, but often confirmed and declared in divers statute laws.

And for the better manifestation thereof, may it please your Majesty to understand, that although your royal predecessors the Kings of this realm have often had such subsidies, and impositions granted unto them, upon divers occasions, especially for the guarding of the seas, and safeguard of merchants ; yet the subjects have been ever careful to use such cautions, and limitations in those grants, as might prevent any claim to be made, that such subsidies do proceed from duty, and not from the free gift of the subjects : and that they have heretofore used to limit a time in such grants, and for the most part but short, as for a year or two, and if it were continued longer, they have sometimes directed a certain space of cessation, or intermission,

that so the right of the subject might be more evident. At other times it hath been granted upon occasion of war, for a certain number of years, with proviso, that if the war were ended in the meantime, then the grant should cease; and of course it hath been sequestered into the hands of some subjects to be employed for the guarding of the seas. And it is acknowledged by the ordinary answers of your Majesty's predecessors in their assent to the Bills of subsidies of Tonnage and Poundage, that it is of the nature of other subsidies, proceeding from the goodwill of the subject. Very few of your predecessors had it for life, until the reign of Henry VII¹, who was so far from conceiving he had any right thereunto, that although he granted commissions for collecting certain duties and customs due by law, yet he made no commissions for receiving the subsidy of Tonnage and Poundage, until the same was granted unto him in Parliament. Since his time all the Kings and Queens of this realm have had the like grants for life by the free love and goodwill of the subjects. And whensoever the people have been grieved by laying any impositions or other charges upon their goods and merchandises without authority of law (which hath been very seldom), yet upon complaint in Parliament they have been forthwith relieved; saving in the time of your royal father, who having through ill counsel raised the rates and charges upon merchandises to that height at which they now are, yet he was pleased so far forth to yield to the complaint of his people, as to offer that if the value of those impositions which he had set might be made good unto him, he would bind himself and his heirs by Act of Parliament never to lay any other; which offer the Commons at that time, in regard of the great burden, did not think fit to yield unto. Nevertheless, your loyal Commons in this Parliament, out of their especial zeal to your service, and especial regard of your pressing occasions, have taken into their consideration, so to frame a grant of subsidy of Tonnage or Poundage to your Majesty, that both you might have been the better enabled for the defence of your realm, and your subjects, by being secure from all undue charges, be the more encouraged cheerfully to proceed in their course of trade; by the increase whereof your Majesty's profit, and likewise the strength of the kingdom would be very much augmented.

But not now being able to accomplish this their desire, there is no course left unto them, without manifest breach of their duty,

¹ Tonnage and Poundage was granted for life to Edward IV in 1464. It was also granted in 1483 to Richard III for life.

both to your Majesty and their country, save only to make this humble declaration, 'That the receiving of Tonnage and Poundage, and other impositions not granted by Parliament, is a breach of the fundamental liberties of this kingdom, and contrary to your Majesty's royal answer to the said Petition of Right.' And therefore they do most humbly beseech your Majesty to forbear any further receiving of the same, and not to take it in ill part from those of your Majesty's loving subjects, who shall refuse to make payment of any such charges, without warrant of law demanded.

And as by this forbearance, your Most Excellent Majesty shall manifest unto the world your royal justice in the observation of your laws: so they doubt not, but hereafter, at the time appointed for their coming again, they shall have occasion to express their great desire to advance your Majesty's honour and profit.

THE KING'S SPEECH AT THE PROROGATION OF PARLIAMENT
AT THE END OF THE SESSION OF 1628.

[June 26, 1628.]

It may seem strange, that I came so suddenly to end this Session; before I give my assent to the Bills, I will tell you the cause, though I must avow, that I owe the account of my actions to God alone. It is known to every one, that a while ago the House of Commons gave me a Remonstrance¹, how acceptable every man may judge; and for the merit of it, I will not call that in question, for I am sure no wise man can justify it.

Now since I am truly informed, that a second Remonstrance is preparing for me to take away the profit of my Tonnage and Poundage, one of the chiefest maintenances of my Crown, by alleging I have given away my right thereto by my answer to your Petition:

This is so prejudicial unto me, that I am forced to end this Session some few hours before I meant, being not willing to receive any more Remonstrances, to which I must give a harsh answer. And since I see that even the House of Commons begins already to make false constructions of what I granted in your Petition, lest it be worse interpreted in the country, I will now make a declaration concerning the true intent thereof:

The profession of both Houses in the time of hammering this Petition, was no ways to trench upon my Prerogative, saying they had neither intention or power to hurt it. Therefore it must needs be conceived that I have granted no new, but only confirmed the

¹ A general remonstrance on the misgovernment of the kingdom, in which Buckingham was named as the author of abuses, had been presented to the King on June 17.

ancient liberties of my subjects: yet to show the clearness of my intentions, that I neither repent, nor mean to recede from anything I have promised you, I do here declare myself, that those things which have been done, whereby many have had some cause to expect the liberties of the subjects to be trenched upon, — which indeed was the first and true ground of the Petition, — shall not hereafter be drawn into example for your prejudice, and from time to time; in the word of a king, ye shall not have the like cause to complain: but as for Tonnage and Poundage, it is a thing I cannot want, and was never intended by you to ask, nor meant by me — I am sure — to grant.

To conclude, I command you all that are here to take notice of what I have spoken at this time, to be the true intent and meaning of what I granted you in your Petition; but especially, you my Lords the Judges, for to you only under me belongs the interpretation of laws, for none of the Houses of Parliament, either joint or separate, (what new doctrine soever may be raised) have any power either to make or declare a law without my consent.

The Petition of Right is memorable as the first statutory restriction of the powers of the Crown since the accession of the Tudor dynasty. Yet, though the principles laid down in it had the widest possible bearing, its remedies were not intended to apply to all questions which had arisen or might arise between the Crown and the Parliament, but merely to those which had arisen since Charles's accession. Parliament had waived, for the present at least, the consideration of Buckingham's misconduct. It had also waived the consideration of the question of Impositions. That this was so appears by a comparison of the language of the Petition of Right with that of the Tonnage and Poundage Act of 1641. The prohibition from taking without Parliamentary consent extends in the former to 'any gift, loan, benevolence, tax, or such like charge,' in the latter to any 'subsidy, custom, impost, or charge whatsoever.' The framers of the Petition of Right were the first lawyers of the day, and it can hardly have been through inadvertence that they omitted the decisive words necessary to include Impositions if they had intended to do so. Nor was it without significance that whilst the Houses in the preamble to the Petition of Right refer to the imaginary statute *de Tallagio non concedendo* as enacting that 'no tallage or aid should be taken without consent,' they make no reference to the clauses in the *Confirmatio Cartarum* which refer to the duties upon merchandise.

The motives of the Commons in keeping silence on the Impositions were probably twofold. In the first place, they probably wished to deal separately with the new grievances, because in dealing with them they would restrain the King's power to make war without Parliamentary consent. The refusal of Tonnage and Poundage would restrain his power to govern in time of peace. In the second place, they had a Tonnage and Poundage Bill before them. Such a Bill had been introduced into each of the preceding Parliaments, but in each case an early dissolution had hindered its consideration, and the long debates on the Petition of Right now made it impossible to proceed farther with it in the existing session. Yet, for three years the King had been collecting Tonnage and Poundage, just as he collected the Impositions, that is to say, as if he had no need of a Parliamentary grant. The Commons therefore proposed to save the right of Parliament by voting Tonnage and Poundage for a single year, and to discuss the matter at length the following session. When the King refused to accept this compromise they had some difficulty in choosing a counter-move. They were precluded from any argument from ancient statute and precedent, because the judges in Bates's case had laid down the law against them, and they therefore had recourse to the bold assertion that the Petition of Right had settled the question in their favour. Charles answered by proroguing Parliament, and took occasion in so doing to repudiate the doctrine which they advanced. — *Gardiner*.



The Grand Remonstrance

With the Petition Accompanying it.

[PRESENTED TO KING CHARLES I, DECEMBER 1, 1641.]

The Petition of the House of Commons, which accompanied the Remonstrance of the state of the kingdom, when it was presented to His Majesty at Hampton Court, December 1, 1641.

MOST GRACIOUS SOVEREIGN :

Your Majesty's most humble and faithful subjects the Commons in this present Parliament assembled, do with much thankfulness and joy acknowledge the great mercy and favour of God, in giving your Majesty a safe and peaceable return out of Scotland into your kingdom of England, where the pressing dangers and distempers of the State have caused us with much earnestness to desire the comfort of your gracious presence, and likewise the unity and justice of your royal authority, to give more life and power to the dutiful and loyal counsels and endeavours of your Parliament, for the prevention of that eminent ruin and destruction wherein your kingdoms of England and Scotland are threatened. The duty which we owe to your Majesty and our country, cannot but make us very sensible and apprehensive, that the multiplicity, sharpness and malignity of those evils under which we have now many years suffered, are fomented and cherished by a corrupt and ill-affected party, who amongst other their mischievous devices for the alteration of religion and government, have sought by many false scandals and imputations, cunningly insinuated and dispersed amongst the people, to blemish and disgrace our proceedings in this Parliament, and to get themselves a party and faction amongst your subjects, for the better strengthening themselves in their wicked courses, and hindering those provisions and remedies which might, by the wisdom of your Majesty and counsel of your Parliament, be opposed against them.

For preventing whereof, and the better information of your Majesty, your Peers and all other your loyal subjects, we have been necessitated to make a declaration of the state of the kingdom, both before and since the assembly of this Parliament, unto this time, which we do humbly present to your Majesty, without the least intention to lay any blemish upon your royal person, but only to represent how your royal authority and trust have been abused, to the great prejudice and danger of your Majesty, and of all your good subjects.

And because we have reason to believe that those malignant parties, whose proceedings evidently appear to be mainly for the advantage and increase of Popery, is composed, set up, and acted by the subtile practice of the Jesuits and other engineers and factors for Rome, and to the great danger of this kingdom, and most grievous affliction of your loyal subjects, have so far prevailed as to corrupt divers of your Bishops and others in prime places of the Church, and also to bring divers of these instruments to be of your Privy Council, and other employments of trust and nearness about your Majesty, the Prince, and the rest of your royal children.

And by this means have had such an operation in your counsel and the most important affairs and proceedings of your government, that a most dangerous division and chargeable preparation for war betwixt your kingdoms of England and Scotland, the increase of jealousies betwixt your Majesty and your most obedient subjects, the violent distraction and interruption of this Parliament, the insurrection of the Papists in your kingdom of Ireland, and bloody massacre of your people, have been not only endeavoured and attempted, but in a great measure compassed and effected.

For preventing the final accomplishment whereof, your poor subjects are enforced to engage their persons and estates to the maintaining of a very expensive and dangerous war, notwithstanding they have already since the beginning of this Parliament undergone the charge of £150,000 sterling, or thereabouts, for the necessary support and supply of your Majesty in these present and perilous designs. And because all our most faithful endeavours and engagements will be ineffectual for the peace, safety and preservation of your Majesty and your people, if some present, real and effectual course be not taken for suppressing this wicked and malignant party : —

We, your most humble and obedient subjects, do with all faithfulness and humility beseech your Majesty, —

1. That you will be graciously pleased to concur with the humble desires of your people in a parliamentary way, for the preserving the peace and safety of the kingdom from the malicious designs of the Popish party :—

For depriving the Bishops of their votes in Parliament, and abridging their immoderate power usurped over the Clergy, and other your good subjects, which they have perniciously abused to the hazard of religion, and great prejudice and oppression of the laws of the kingdom, and just liberty of your people :—

For the taking away such oppressions in religion, Church government and discipline, as have been brought in and fomented by them :—

For uniting all such your loyal subjects together as join in the same fundamental truths against the Papists, by removing some oppressions and unnecessary ceremonies by which divers weak consciences have been scrupled, and seem to be divided from the rest, and for the due execution of those good laws which have been made for securing the liberty of your subjects.

2. That your Majesty will likewise be pleased to remove from your council all such as persist to favour and promote any of those pressures and corruptions wherewith your people have been grieved, and that for the future your Majesty will vouchsafe to employ such persons in your great and public affairs, and to take such to be near you in places of trust, as your Parliament may have cause to confide in ; that in your princely goodness to your people you will reject and refuse all mediation and solicitation to the contrary, how powerful and near soever.

3. That you will be pleased to forbear to alienate any of the forfeited and escheated lands in Ireland which shall accrue to your Crown by reason of this rebellion, that out of them the Crown may be the better supported, and some satisfaction made to your subjects of this kingdom for the great expenses they are like to undergo [in] this war.

Which humble desires of ours being graciously fulfilled by your Majesty, we will, by the blessing and favour of God, most cheerfully undergo the hazard and expenses of this war, and apply ourselves to such other courses and counsels as may support your real estate with honour and plenty at home, with power and reputation abroad, and by our loyal affections, obedience and service, lay a sure and lasting foundation of the greatness and prosperity of your Majesty, and your royal prosperity in future times.

The Grand Remonstrance.

The Commons in this present Parliament assembled, having with much earnestness and faithfulness of affection and zeal to the public good of this kingdom, and His Majesty's honour and service for the space of twelve months, wrestled with great dangers and fears, the pressing miseries and calamities, the various distempers and disorders which had not only assaulted, but even overwhelmed and extinguished the liberty, peace and prosperity of this kingdom, the comfort and hopes of all His Majesty's good subjects, and exceedingly weakened and undermined the foundation and strength of his own royal throne, do yet find an abounding malignity and opposition in those parties and factions who have been the cause of those evils, and do still labour to cast aspersions upon that which hath been done, and to raise many difficulties for the hindrance of that which remains yet undone, and to foment jealousies between the King and Parliament, that so they may deprive him and his people of the fruit of his own gracious intentions, and their humble desires of procuring the public peace, safety and happiness of this realm.

For the preventing of those miserable effects which such malicious endeavours may produce, we have thought good to declare the root and the growth of these mischievous designs: the maturity and ripeness to which they have attained before the beginning of the Parliament: the effectual means which have been used for the extirpation of those dangerous evils, and the progress which hath therein been made by His Majesty's goodness and the wisdom of the Parliament: the ways of obstruction and opposition by which that progress hath been interrupted: the courses to be taken for the removing those obstacles, and for the accomplishing of our most dutiful and faithful intentions and endeavours of restoring and establishing the ancient honour, greatness and security of this Crown and nation.

The root of all this mischief we find to be a malignant and pernicious design of subverting the fundamental laws and principles of government, upon which the religion and justice of this kingdom are firmly established. The actors and promoters hereof have been :

1. The Jesuited Papists, who hate the laws, as the obstacles of that change and subversion of religion which they so much long for.
2. The Bishops, and the corrupt part of the Clergy, who cherish formality and superstition as the natural effects and

more probable supports of their own ecclesiastical tyranny and usurpation.

3. Such Councillors and Courtiers as for private ends have engaged themselves to further the interests of some foreign princes or states to the prejudice of His Majesty and the State at home.

The common principles by which they moulded and governed all their particular counsels and actions were these :

First, to maintain continual differences and discontents between the King and the people, upon questions of prerogative and liberty, that so they might have the advantage of siding with him, and under the notions of men addicted to his service, gain to themselves and their parties the places of greatest trust and power in the kingdom.

A second, to suppress the purity and power of religion, and such persons as were best affected to it, as being contrary to their own ends, and the greatest impediment to that change which they thought to introduce.

A third, to conjoin those parties of the kingdom which were most propitious to their own ends, and to divide those who were most opposite, which consisted in many particular observations.

To cherish the Arminian part in those points wherein they agree with the Papists, to multiply and enlarge the difference between the common Protestants and those whom they call Puritans, to introduce and countenance such opinions and ceremonies as are fittest for accommodation with Popery, to increase and maintain ignorance, looseness and profaneness in the people ; that of those three parties, Papists, Arminians and Libertines, they might compose a body fit to act such counsels and resolutions as were most conducive to their own ends.

A fourth, to disaffect the King to Parliaments by slander and false imputations, and by putting him upon other ways of supply, which in show and appearance were fuller of advantage than the ordinary course of subsidies, though in truth they brought more loss than gain both to the King and people, and have caused the great distractions under which we both suffer.

As in all compounded bodies the operations are qualified according to the predominant element, so in this mixed party, the Jesuited counsels, being most active and prevailing, may easily be discovered to have had the greatest sway in all their determinations, and if they be not prevented, are likely to devour the rest, or to turn them into their own nature.

In the beginning of His Majesty's reign the party began to

revive and flourish again, having been somewhat damped by the breach with Spain in the last year of King James, and by His Majesty's marriage with France; the interests and counsels of that State being not so contrary to the good of religion and the prosperity of this kingdom as those of Spain; and the Papists of England, having been ever more addicted to Spain than France, yet they still retained a purpose and resolution to weaken the Protestant parties in all parts, and even in France, whereby to make way for the change of religion which they intended at home.

1. The first effect and evidence of their recovery and strength was the dissolution of the Parliament at Oxford, after there had been given two subsidies to His Majesty, and before they received relief in any one grievance many other more miserable effects followed.

2. The loss of the Rochel fleet, by the help of our shipping, set forth and delivered over to the French in opposition to the advice of Parliament, which left that town without defence by sea, and made way, not only to the loss of that important place, but likewise to the loss of all the strength and security of the Protestant religion in France.

3. The diverting of His Majesty's course of wars from the West Indies, which was the most facile and hopeful way for this kingdom to prevail against the Spaniard, to an expensive and successless attempt upon Cadiz, which was so ordered as if it had rather been intended to make us weary of war than to prosper in it.

4. The precipitate breach with France, by taking their ships to a great value without making recompense to the English, whose goods were thereupon imbarred and confiscated in that kingdom.

5. The peace with Spain without consent of Parliament, contrary to the promise of King James to both Houses, whereby the Palatine's cause was deserted and left to chargeable and hopeless treaties, which for the most part were managed by those who might justly be suspected to be no friends to that cause.

6. The charging of the kingdom with billeted soldiers in all parts of it, and the concomitant design of German horse, that the land might either submit with fear or be enforced with rigour to such arbitrary contributions as should be required of them.

7. The dissolving of the Parliament in the second year of His Majesty's reign, after a declaration of their intent to grant five subsidies.

8. The exacting of the like proportion of five subsidies, after the Parliament dissolved, by commission of loan, and divers gentlemen and others imprisoned for not yielding to pay that loan, whereby many of them contracted such sicknesses as cost them their lives.

9. Great sums of money required and raised by privy seals.

10. An unjust and pernicious attempt to extort great payments from the subject by way of excise, and a commission issued under the seal to that purpose.

11. The Petition of Right, which was granted in full Parliament, blasted, with an illegal declaration to make it destructive to itself, to the power of Parliament, to the liberty of the subject, and to that purpose printed with it, and the Petition made of no use but to show the bold and presumptuous injustice of such ministers as durst break the laws and suppress the liberties of the kingdom, after they had been so solemnly and evidently declared.

12. Another Parliament dissolved 4 Car., the privilege of Parliament broken, by imprisoning divers members of the House, detaining them close prisoners for many months together, without the liberty of using books, pen, ink or paper; denying them all the comforts of life, all means of preservation of health, not permitting their wives to come unto them even in the time of their sickness.

13. And for the completing of that cruelty, after years spent in such miserable durance, depriving them of the necessary means of spiritual consolation, not suffering them to go abroad to enjoy God's ordinances in God's House, or God's ministers to come to them to minister comfort to them in their private chambers.

14. And to keep them still in this oppressed condition, not admitting them to be bailed according to law, yet vexing them with informations in inferior courts,¹ sentencing and fining some of them for matters done in Parliament; and extorting the payments of those fines from them, enforcing others to put in security of good behaviour before they could be released.

15. The imprisonment of the rest, which refused to be bound, still continued, which might have been perpetual if necessity had not the last year brought another Parliament to relieve them, of whom one died² by the cruelty and harshness of his imprisonment, which would admit of no relaxation, notwithstanding the imminent danger of his life, did sufficiently

¹ I.e. inferior to Parliament.

² Sir John Eliot.

appear by the declaration of his physician, and his release, or at least his refreshment, was sought by many humble petitions, and his blood still cries either for vengeance or repentance of those Ministers of State, who have at once obstructed the course both of His Majesty's justice and mercy.

16. Upon the dissolution of both these Parliaments, untrue and scandalous declarations were published to asperse their proceedings, and some of their members unjustly; to make them odious, and colour the violence which was used against them; proclamations set out to the same purpose; and to the great dejecting of the hearts of the people, forbidding them even to speak of Parliaments.

17. After the breach of the Parliament in the fourth of His Majesty, injustice, oppression and violence broke in upon us without any restraint or moderation, and yet the first project was the great sums exacted thorough the whole kingdom for default of knighthood, which seemed to have some colour and shadow of a law, yet if it be rightly examined by that obsolete law which was pretended for it, it will be found to be against all the rules of justice, both in respect of the persons charged, the proportion of the fines demanded, and the absurd and unreasonable manner of their proceedings.

18. Tonnage and Poundage hath been received without colour or pretence of law; many other heavy impositions continued against law, and some so unreasonable that the sum of the charge exceeds the value of the goods.

19. The Book of Rates¹ lately enhanced to a high proportion, and such merchants that would not submit to their illegal and unreasonable payments, were vexed and oppressed above measure; and the ordinary course of justice, the common birthright of the subject of England, wholly obstructed unto them.

20. And although all this was taken upon pretence of guarding the seas, yet a new unheard-of tax of ship-money was devised, and upon the same pretence, by both which there was charged upon the subject near £700,000 some years, and yet the merchants have been left so naked to the violence of the Turkish pirates, that many great ships of value and thou-

¹ The Book of Rates was issued from time to time by the King to state the value of goods according to the current prices of the day. This was necessary because Poundage was laid on goods by the £1 value, not on their weight or measure. Most writers confuse this Book of Rates with the setting of impositions by patent, which was a very different thing.

sands of His Majesty's subjects have been taken by them, and do still remain in miserable slavery.

21. The enlargements of forests, contrary to *Carta de Foresta*, and the composition thereupon.

22. The exactions of coat and conduct money and divers other military charges.

23. The taking away the arms of trained bands of divers counties.

24. The desperate design of engrossing all the gunpowder into one hand, keeping it in the Tower of London, and setting so high a rate upon it that the poorer sort were not able to buy it, nor could any have it without licence, thereby to leave the several parts of the kingdom destitute of their necessary defence, and by selling so dear that which was sold to make an unlawful advantage of it, to the great charge and detriment of the subject.

25. The general destruction of the King's timber, especially that in the Forest of Deane, sold to Papists, which was the best store-house of this kingdom for the maintenance of our shipping.

26. The taking away of men's right, under the colour of the King's title to land, between high and low water marks.

27. The monopolies of soap, salt, wine, leather, sea-coal, and in a manner of all things of most common and necessary use.

28. The restraint of the liberties of the subjects in their habitation, trades and other interests.

29. Their vexation and oppression by purveyors, clerks of the market and saltpetre men.

30. The sale of pretended nuisances, as building in and about London.

31. Conversion of arable into pasture, continuance of pasture, under the name of depopulation, have driven many millions out of the subjects' purses, without any considerable profit to His Majesty.

32. Large quantities of common and several grounds hath been taken from the subject by colour of the Statute of Improvement, and by abuse of the Commission of Sewers, without their consent, and against it.

33. And not only private interest, but also public faith, have been broken in seizing of the money and bullion in the mint, and the whole kingdom like to be robbed at once in that abominable project of brass money.

34. Great numbers of His Majesty's subjects for refusing those unlawful charges, have been vexed with long and expen-

sive suits, some fined and censured, others committed to long and hard imprisonments and confinements, to the loss of health in many, of life in some, and others have had their houses broken up, their goods seized, some have been restrained from their lawful callings.

35. Ships have been interrupted in their voyages, surprised at sea in a hostile manner by projectors, as by a common enemy.

36. Merchants prohibited to unlade their goods in such ports as were for their own advantage, and forced to bring them to those places which were much for the advantage of the monopolisers and projectors.

37. The Court of Star Chamber hath abounded in extravagant censures, not only for the maintenance and improvement of monopolies and other unlawful taxes, but for divers other causes where there hath been no offence, or very small; whereby His Majesty's subjects have been oppressed by grievous fines, imprisonments, stigmatisings, mutilations, whippings, pillories, gags, confinements, banishments; after so rigid a manner as hath not only deprived men of the society of their friends, exercise of their professions, comfort of books, use of paper or ink, but even violated that near union which God hath established between men and their wives, by forced and constrained separation, whereby they have been bereaved of the comfort and conversation one of another for many years together, without hope of relief, if God had not by His overruling providence given some interruption to the prevailing power, and counsel of those who were the authors and promoters of such peremptory and heady courses.

38. Judges have been put out of their places for refusing to do against their oaths and consciences; others have been so awed that they durst not do their duties, and the better to hold a rod over them, the clause *Quam diu se bene gesserit* was left out of their patents, and a new clause *Durante bene placito* inserted.

39. Lawyers have been checked for being faithful to their clients; solicitors and attorneys have been threatened, and some punished, for following lawful suits. And by this means all the approaches to justice were interrupted and forecluded.

40. New oaths have been forced upon the subject against law.

41. New judicatories erected without law. The Council Table have by their orders offered to bind the subjects in their freeholds, estates, suits and actions.

42. The pretended Court of the Earl Marshal was arbitrary and illegal in its being and proceedings.

43. The Chancery, Exchequer Chamber, Court of Wards, and other English Courts, have been grievous in exceeding their jurisdiction.

44. The estate of many families weakened, and some ruined by excessive fines, exacted from them for compositions of wardships.

45. All leases of above a hundred years made to draw on wardship contrary to law.

46. Undue proceedings used in the finding of offices to make the jury find for the King.

47. The Common Law Courts, feeling all men more inclined to seek justice there, where it may be fitted to their own desire, are known frequently to forsake the rules of the Common Law, and straying beyond their bounds, under pretence of equity, to do injustice.

48. Titles of honour, judicial places, sergeantships at law, and other offices have been sold for great sums of money, whereby the common justice of the kingdom hath been much endangered, not only by opening a way of employment in places of great trust, and advantage to men of weak parts, but also by giving occasion to bribery, extortion, partiality, it seldom happening that places ill-gotten are well used.

49. Commissions have been granted for examining the excess of fees, and when great exactions have been discovered, compositions have been made with delinquents, not only for the time past, but likewise for immunity and security in offending for the time to come, which under colour of remedy hath but confirmed and increased the grievance to the subject.

50. The usual course of pricking Sheriffs not observed, but many times Sheriffs made in an extraordinary way, sometimes as a punishment and charge unto them; sometimes such were pricked out as would be instruments to execute whatsoever they would have to be done.

51. The Bishops and the rest of the Clergy did triumph in the suspensions, excommunications, deprivations, and degradations of divers painful, learned and pious ministers, in the vexation and grievous oppression of great numbers of His Majesty's good subjects.

52. The High Commission grew to such excess of sharpness and severity as was not much less than the Romish Inquisition, and yet in many cases by the Archbishop's power was

made much more heavy, being assisted and strengthened by authority of the Council Table.

53. The Bishops and their Courts were as eager in the country; although their jurisdiction could not reach so high in rigour and extremity of punishment, yet were they no less grievous in respect of the generality and multiplicity of vexations, which lighting upon the meaner sort of tradesmen and artificers did impoverish many thousands.

54. And so afflict and trouble others, that great numbers to avoid their miseries departed out of the kingdom, some into New England and other parts of America, others into Holland.

55. Where they have transported their manufactures of cloth, which is not only a loss by diminishing the present stock of the kingdom, but a great mischief by impairing and endangering the loss of that particular trade of clothing, which hath been a plentiful fountain of wealth and honour to this nation.

56. Those were fittest for ecclesiastical preferment, and soonest obtained it, who were most officious in promoting superstition, most virulent in railing against godliness and honesty.

57. The most public and solemn sermons before His Majesty were either to advance prerogative above law, and decry the property of the subject, or full of such kind of invectives.

58. Whereby they might make those odious who sought to maintain the religion, laws and liberties of the kingdom, and such men were sure to be weeded out of the commission of the peace, and out of all other employments of power in the government of the country.

59. Many noble personages were councillors in name, but the power and authority remained in a few of such as were most addicted to this party, whose resolutions and determinations were brought to the table for countenance and execution, and not for debate and deliberation, and no man could offer to oppose them without disgrace and hazard to himself.

60. Nay, all those that did not wholly concur and actively contribute to the furtherance of their designs, though otherwise persons of never so great honour and abilities, were so far from being employed in any place of trust and power, that they were neglected, discountenanced, and upon all occasions injured and oppressed.

61. This faction was grown to that height and entireness of power, that now they began to think of finishing their work, which consisted of these three parts.

62. I. The government must be set free from all restraint of laws concerning our persons and estates.

63. II. There must be a conjunction between Papists and Protestants in doctrine, discipline and ceremonies; only it must not yet be called Popery.

64. III. The Puritans, under which name they include all those that desire to preserve the laws and liberties of the kingdom, and to maintain religion in the power of it, must be either rooted out of the kingdom with force, or driven out with fear.

65. For the effecting of this it was thought necessary to reduce Scotland to such Popish superstitions and innovations as might make them apt to join with England in that great change which was intended.

66. Whereupon new canons and a new liturgy were pressed upon them, and when they refused to admit of them, an army was raised to force them to it, towards which the Clergy and the Papists were very forward in their contribution.

67. The Scots likewise raised an army for their defence.

68. And when both armies were come together, and ready for a bloody encounter, His Majesty's own gracious disposition, and the counsel of the English nobility and dutiful submission of the Scots, did so far prevail against the evil counsel of others, that a pacification was made, and His Majesty returned with peace and much honour to London.

69. The unexpected reconciliation was most acceptable to all the kingdom, except to the malignant party; whereof the Archbishop and the Earl of Strafford being heads, they and their faction begun to inveigh against the peace, and to aggravate the proceedings of the states, which so increased His Majesty, that he forthwith prepared again for war.

70. And such was their confidence, that having corrupted and distempered the whole frame and government of the kingdom, they did now hope to corrupt that which was the only means to restore all to a right frame and temper again.

71. To which end they persuaded His Majesty to call a Parliament, not to seek counsel and advice of them, but to draw countenance and supply from them, and to engage the whole kingdom in their quarrel.

72. And in the meantime continued all their unjust levies of money, resolving either to make the Parliament pliant to their will, and to establish mischief by a law, or else to break it, and with more colour to go on by violence to take what they could not obtain by consent. The ground alleged for the justification of this war was this,

73. That the undutiful demands of the Parliaments in Scotland was a sufficient reason for His Majesty to take arms against them, without hearing the reason of those demands, and thereupon a new army was prepared against them, their ships were seized in all ports both of England and Ireland, and at sea, their petitions rejected, their commissioners refused audience.

74. The whole kingdom most miserably distempered with levies of men and money, and imprisonments of those who denied to submit to those levies.

75. The Earl of Strafford passed into Ireland, caused the Parliament there to declare against the Scots, to give four subsidies towards that war, and to engage themselves, their lives and fortunes, for the prosecution of it, and gave directions for an army of eight thousand foot and one thousand horse to be levied there, which were for the most part Papists.

76. The Parliament met upon the 13th of April, 1640. The Earl of Strafford and Archbishop of Canterbury, with their party, so prevailed with His Majesty, that the House of Commons was pressed to yield a supply for maintenance of the war with Scotland, before they had provided any relief for the great and pressing grievances of the people, which being against the fundamental privilege and proceeding of Parliament, was yet in humble respect to His Majesty, so far admitted as that they agreed to take the matter of supply into consideration, and two several days it was debated.

77. Twelve subsidies were demanded for the release of ship-money alone, a third day was appointed for conclusion, when the heads of that party begun to fear the people might close with the King, in falsifying his desires of money; but that withal they were like to blast their malicious designs against Scotland, finding them very much indisposed to give any countenance to that war.

78. Thereupon they wickedly advised the King to break off the Parliament and to return to the ways of confusion, in which their own evil intentions were most likely to prosper and succeed.

79. After the Parliament ended the 5th of May, 1640, this party grew so bold as to counsel the King to supply himself out of his subjects' estates by his own power, at his own will, without their consent.

80. The very next day some members of both Houses had their studies and cabinets, yea, their pockets searched: another of them not long after was committed close prisoner for not

delivering some petitions which he received by authority of that House.

81. And if harsher courses were intended (as was reported) it is very probable that the sickness of the Earl of Strafford, and the tumultuous rising in Southwark and about Lambeth were the causes that such violent intentions were not brought to execution.

82. A false and scandalous Declaration against the House of Commons was published in His Majesty's name, which yet wrought little effect with the people, but only to manifest the impudence of those who were authors of it.

83. A forced loan of money was attempted in the City of London.

84. The Lord Mayor and Aldermen in their several wards, enjoined to bring in a list of the names of such persons as they judged fit to lend, and of the sums they should lend. And such Aldermen as refused to do so were committed to prison.

85. The Archbishop and the other Bishops and Clergy continued the Convocation, and by a new commission turned it into a provincial Synod, in which, by an unheard-of presumption, they made canons that contain in them many matters contrary to the King's prerogative, to the fundamental laws and statutes of the realm, to the right of Parliaments, to the property and liberty of the subject, and matters tending to sedition and of dangerous consequence, thereby establishing their own usurpations, justifying their altar-worship, and those other superstitious innovations which they formerly introduced without warrant of law.

86. They imposed a new oath upon divers of His Majesty's subjects, both ecclesiastical and lay, for maintenance of their own tyranny, and laid a great tax on the Clergy, for supply of His Majesty, and generally they showed themselves very affectionate to the war with Scotland, which was by some of them styled *Bellum Episcopale*, and a prayer composed and enjoined to be read in all churches, calling the Scots rebels, to put the two nations in blood and make them irreconcilable.

87. All those pretended canons and constitutions were armed with the several censures of suspension, excommunication, deprivation, by which they would have thrust out all the good ministers, and most of the well-affected people of the kingdom, and left an easy passage to their own design of reconciliation with Rome.

88. The Popish party enjoyed such exemptions from penal laws as amounted to a toleration, besides many other encouragements and Court favours.

89. They had a Secretary of State, Sir Francis Windebanck, a powerful agent for speeding all their desires.

90. A Pope's Nuncio residing here, to act and govern them according to such influences as he received from Rome, and to intercede for them with the most powerful concurrence of the foreign Princes of that religion.

91. By his authority the Papists of all sorts, nobility, gentry, and clergy were convoked after the manner of a Parliament.

92. New jurisdictions were erected of Romish Archbishops, taxes levied, another state moulded within this state independent in government, contrary in interest and affection, secretly corrupting the ignorant or negligent professors of our religion, and closely uniting and combining themselves against such as were found in this posture, waiting for an opportunity by force to destroy those whom they could not hope to seduce.

93. For the effecting whereof they were strengthened with arms and munitions, encouraged by superstitious prayers, enjoined by the Nuncio to be weekly made for the prosperity of some great design.

94. And such power had they at Court, that secretly a commission was issued out, or intended to be issued to some great men of that profession, for the levying of soldiers, and to command and employ them according to private instructions, which we doubt were framed for the advantage of those who were the contrivers of them.

95. His Majesty's treasure was consumed, his revenue anticipated.

96. His servants and officers compelled to lend great sums of money.

97. Multitudes were called to the Council Table, who were tired with long attendances there for refusing illegal payments.

98. The prisons were filled with their commitments; many of the Sheriffs summoned into the Star Chamber, and some imprisoned for not being quick enough in levying the ship-money; the people languished under grief and fear, no visible hope being left but in desperation.

99. The nobility began to weary of their silence and patience, and sensible of the duty and trust which belongs to them: and thereupon some of the most ancient of them did petition His Majesty at such a time, when evil counsels were so strong, that they had occasion to expect more hazard to themselves, than redress of those public evils for which they interceded.

100. Whilst the kingdom was in this agitation and distemper, the Scots, restrained in their trades, impoverished by the loss of many of their ships, bereaved of all possibility of satisfying His Majesty by any naked supplication, entered with a powerful army into the kingdom, and without any hostile act or spoil in the country they passed, more than forcing a passage over the Tyne at Newburn, near Newcastle, possessed themselves of Newcastle, and had a fair opportunity to press on further upon the King's army.

101. But duty and reverence to His Majesty, and brotherly love to the English nation, made them stay there, whereby the King had leisure to entertain better counsels.

102. Wherein God so blessed and directed him that he summoned the Great Council of Peers to meet at York upon the 24th of September, and there declared a Parliament to begin the 3d of November then following.

103. The Scots, the first day of the Great Council, presented an humble Petition to His Majesty, whereupon the Treaty was appointed at Ripon.

104. A present cessation of arms agreed upon, and the full conclusion of all differences referred to the wisdom and care of the Parliament.

105. At our first meeting, all oppositions seemed to vanish, the mischiefs were so evident which those evil counsellors produced, that no man durst stand up to defend them: yet the work itself afforded difficulty enough.

106. The multiplied evils and corruption of fifteen years, strengthened by custom and authority, and the concurrent interest of many powerful delinquents, were now to be brought to judgment and reformation.

107. The King's household was to be provided for: — they had brought him to that want, that he could not supply his ordinary and necessary expenses without the assistance of his people.

108. Two armies were to be paid, which amounted very near to eighty thousand pounds a month.

109. The people were to be tenderly charged, having been formerly exhausted with many burdensome projects.

110. The difficulties seemed to be insuperable, which by the Divine Providence we have overcome. The contrarieties incompatible, which yet in a great measure we have reconciled.

111. Six subsidies have been granted and a Bill of poll-money, which if it be duly levied, may equal six subsidies more, in all £600,000.

112. Besides we have contracted a debt to the Scots of £220,000, yet God hath so blessed the endeavours of this Parliament, that the kingdom is a great gainer by all these charges.

113. The ship-money is abolished, which cost the kingdom about £200,000 a year.

114. The coat and conduct-money, and other military charges are taken away, which in many countries amounted to little less than the ship-money.

115. The monopolies are all suppressed, whereof some few did prejudice the subject, above £1,000,000 yearly.

116. The soap £100,000.

117. The wine £300,000.

118. The leather must needs exceed both, and salt could be no less than that.

119. Besides the inferior monopolies, which, if they could be exactly computed, would make up a great sum.

120. That which is more beneficial than all this is, that the root of these evils is taken away, which was the arbitrary power pretended to be in His Majesty of taxing the subject, or charging their estates without consent in Parliament, which is now declared to be against law by the judgment of both Houses, and likewise by an Act of Parliament.

121. Another step of great advantage is this, the living grievances, the evil counsellors and actors of these mischiefs have been so quelled.

122. By the justice done upon the Earl of Strafford, the flight of the Lord Finch and Secretary Windebank.

123. The accusation and imprisonment of the Archbishop of Canterbury, of Judge Berkeley; and

124. The impeachment of divers other Bishops and Judges, that it is like not only to be an ease to the present times, but a preservation to the future.

125. The discontinuance of Parliaments is prevented by the Bill for a triennial Parliament, and the abrupt dissolution of this Parliament by another Bill, by which it is provided it shall not be dissolved or adjourned without the consent of both Houses.

126. Which two laws well considered may be thought more advantageous than all the former, because they secure a full operation of the present remedy, and afford a perpetual spring of remedies for the future.

127. The Star Chamber.

128. The High Commission.

129. The Courts of the President and Council in the North

were so many forges of misery, oppression and violence, and are all taken away, whereby men are more secured in their persons, liberties and estates, than they could be by any law or example for the regulation of those Courts or terror of the Judges.

130. The immoderate power of the Council Table, and the excessive abuse of that power is so ordered and restrained, that we may well hope that no such things as were frequently done by them, to the prejudice of the public liberty, will appear in future times but only in stories, to give us and our posterity more occasion to praise God for His Majesty's goodness, and the faithful endeavours of this Parliament.

131. The canons and power of canon-making are blasted by the votes of both Houses.

132. The exorbitant power of Bishops and their courts are much abated, by some provisions in the Bill against the High Commission Court, the authors of the many innovations in doctrine and ceremonies.

133. The ministers that have been scandalous in their lives, have been so terrified in just complaints and accusations, that we may well hope they will be more modest for the time to come; either inwardly convicted by the sight of their own folly, or outwardly restrained by the fear of punishment.

134. The forests are by a good law reduced to their right bounds.

135. The encroachments and oppressions of the Stannary Courts, the extortions of the clerk of the market.

136. And the compulsion of the subject to receive the Order of Knighthood against his will, paying of fines for not receiving it, and the vexatious proceedings thereupon for levying of those fines, are by other beneficial laws reformed and prevented.

137. Many excellent laws and provisions are in preparation for removing the inordinate power, vexation and usurpation of Bishops, for reforming the pride and idleness of many of the clergy, for easing the people of unnecessary ceremonies in religion, for censuring and removing unworthy and unprofitable ministers, and for maintaining godly and diligent preachers through the kingdom.

138. Other things of main importance for the good of this kingdom are in proposition, though little could hitherto be done in regard of the many other more pressing businesses, which yet before the end of this Session we hope may receive some progress and perfection.

139. The establishing and ordering the King's revenue, that so the abuse of officers and superfluity of expenses may be cut off, and the necessary disbursements for His Majesty's honour, the defence and government of the kingdom, may be more certainly provided for.

140. The regulating of courts of justice, and abridging both the delays and charges of law-suits.

141. The settling of some good courses for preventing the exportation of gold and silver, and the inequality of exchanges between us and other nations, for the advancing of native commodities, increase of our manufactures, and well balancing of trade, whereby the stock of the kingdom may be increased, or at least kept from impairing, as through neglect hereof it hath done for many years last past.

142. Improving the herring-fishing upon our coasts, which will be of mighty use in the employment of the poor, and a plentiful nursery of mariners for enabling the kingdom in any great action.

143. The oppositions, obstructions and other difficulties wherewith we have been encountered, and which still lie in our way with some strength and much obstinacy, are these: the malignant party whom we have formerly described to be the actors and promoters of all our misery, they have taken heart again.

144. They have been able to prefer some of their own factors and agents to degrees of honour, to places of trust and employment, even during the Parliament.

145. They have endeavoured to work in His Majesty ill impressions and opinions of our proceedings, as if we had altogether done our own work, and not his; and had obtained from him many things very prejudicial to the Crown, both in respect of prerogative and profit.

146. To wipe out this slander we think good only to say thus much: that all that we have done is for His Majesty, his greatness, honour and support, when we yield to give £25,000 a month for the relief of the Northern Counties; this was given to the King, for he was bound to protect his subjects.

147. They were His Majesty's evil counsellors, and their ill instruments that were actors in those grievances which brought in the Scots.

148. And if His Majesty please to force those who were the authors of this war to make satisfaction, as he might justly and easily do, it seems very reasonable that the people might

well be excused from taking upon them this burden, being altogether innocent and free from being any cause of it.

149. When we undertook the charge of the army, which cost above £50,000 a month, was not this given to the King? Was it not His Majesty's army? Were not all the commanders under contract with His Majesty, at higher rates and greater wages than ordinary?

150. And have not we taken upon us to discharge all the brotherly assistance of £300,000, which we gave the Scots? Was it not toward repair of those damages and losses which they received from the King's ships and from his ministers?

151. These three particulars amount to above £1,100,000.

152. Besides, His Majesty hath received by impositions upon merchandise at least £400,000.

153. So that His Majesty hath had out of the subjects' purse since the Parliament began, £1,500,000, and yet these men can be so impudent as to tell His Majesty that we have done nothing for him.

154. As to the second branch of this slander, we acknowledge with much thankfulness that His Majesty hath passed more good Bills to the advantage of the subjects than have been in many ages.

155. But withal we cannot forget that these venomous councils did manifest themselves in some endeavours to hinder these good acts.

156. And for both Houses of Parliament we may with truth and modesty say thus much: that we have ever been careful not to desire anything that should weaken the Crown either in just profit or useful power.

157. The triennial Parliament for the matter of it, doth not extend to so much as by law we ought to have required (there being two statutes still in force for a Parliament to be once a year), and for the manner of it, it is in the King's power that it shall never take effect, if he by a timely summons shall prevent any other way of assembling.

158. In the Bill for continuance of this present Parliament, there seems to be some restraint of the royal power in dissolving of Parliaments, not to take it out of the Crown, but to suspend the execution of it for this time and occasion only: which was so necessary for the King's own security and the public peace, that without it we could not have undertaken any of these great charges, but must have left both the armies to disorder and confusion, and the whole kingdom to blood and rapine.

159. The Star Chamber was much more fruitful in oppression than in profit, the great fines being for the most part given away, and the rest stalled¹ at long times.

160. The fines of the High Commission were in themselves unjust, and seldom or never came into the King's purse. These four Bills are particularly and more specially instanced.

161. In the rest there will not be found so much as a shadow of prejudice to the Crown.

162. They have sought to diminish our reputation with the people, and to bring them out of love with Parliaments.

163. The aspersions which they have attempted this way have been such as these :

164. That we have spent much time and done little, especially in those grievances which concern religion.

165. That the Parliament is a burden to the kingdom by the abundance of protections which hinder justice and trade; and by many subsidies granted much more heavy than any formerly endured.

166. To which there is a ready answer; if the time spent in this Parliament be considered in relation backward to the long growth and deep root of those grievances, which we have removed, to the powerful supports of those delinquents, which we have pursued, to the great necessities and other charges of the commonwealth for which we have provided.

167. Or if it be considered in relation forward to many advantages, which not only the present but future ages are like to reap by the good laws and other proceedings in this Parliament, we doubt not but it will be thought by all indifferent judgments, that our time hath been much better employed than in a far greater proportion of time in many former Parliaments put together; and the charges which have been laid upon the subject, and the other inconveniences which they have borne, will seem very light in respect of the benefit they have and may receive.

168. And for the matter of protections, the Parliament is so sensible of it that therein they intended to give them whatsoever ease may stand with honour and justice, and are in a way of passing a Bill to give them satisfaction.

169. They have sought by many subtle practices to cause jealousies and divisions betwixt us and our brethren of Scotland, by slandering their proceedings and intentions towards

¹ I. e. ordered to be paid by instalments.

us, and by secret endeavours to instigate and incense them and us one against another.

170. They have had such a party of Bishops and Popish lords in the House of Peers, as hath caused much opposition and delay in the prosecution of delinquents, hindered the proceedings of divers good Bills passed in the Commons' House. concerning the reformation of sundry great abuses and corruptions both in Church and State.

171. They have laboured to seduce and corrupt some of the Commons' House to draw them into conspiracies and combinations against the liberty of the Parliament.

172. And by their instruments and agents they have attempted to disaffect and discontent His Majesty's army, and to engage it for the maintenance of their wicked and traitorous designs; the keeping up of Bishops in votes and functions, and by force to compel the Parliament to order, limit and dispose their proceedings in such manner as might best concur with the intentions of this dangerous and potent faction.

173. And when one mischievous design and attempt of theirs to bring on the army against the Parliament and the City of London, hath been discovered and prevented;

174. They presently undertook another of the same damnable nature, with this addition to it, to endeavour to make the Scottish army neutral, whilst the English army, which they had laboured to corrupt and envenom against us by their false and slanderous suggestions, should execute their malice to the subversion of our religion and the dissolution of our government.

175. Thus they have been continually practising to disturb the peace, and plotting the destruction even of all the King's dominions; and have employed their emissaries and agents in them, all for the promoting their devilish designs, which the vigilancy of those who were well affected hath still discovered and defeated before they were ripe for execution in England and Scotland.

176. Only in Ireland, which was farther off, they have had time and opportunity to mould and prepare their work, and had brought it to that perfection that they had possessed themselves of that whole kingdom, totally subverted the government of it, routed out religion, and destroyed all the Protestants whom the conscience of their duty to God, their King and country, would not have permitted to join with them, if by God's wonderful providence their main enterprise upon the city and castle of Dublin, had not been detected and prevented upon the very eve before it should have been executed.

177. Notwithstanding they have in other parts of that kingdom broken out into open rebellion, surprising towns and castles, committed murders, rapes and other villainies, and shaken off all bonds of obedience to His Majesty and the laws of the realm.

178. And in general have kindled such a fire, as nothing but God's infinite blessing upon the wisdom and endeavours of this State will be able to quench it.

179. And certainly had not God in His great mercy unto this land discovered and confounded their former designs, we had been the prologue to this tragedy in Ireland, and had by this been made the lamentable spectacle of misery and confusion.

180. And now what hope have we but in God, when as the only means of our subsistence and power of reformation is under Him in the Parliament?

181. But what can we the Commons, without the conjunction of the House of Lords, and what conjunction can we expect there, when the Bishops and recusant lords are so numerous and prevalent that they are able to cross and interrupt our best endeavours for reformation, and by that means give advantage to this malignant party to traduce our proceedings?

182. They infuse into the people that we mean to abolish all Church government, and leave every man to his own fancy for the service and worship of God, absolving him of that obedience which he owes under God unto His Majesty, whom we know to be entrusted with the ecclesiastical law as well as with the temporal, to regulate all the members of the Church of England, by such rules of order and discipline as are established by Parliament, which is his great council, in all affairs both in Church and State.

183. We confess our intention is, and our endeavours have been, to reduce within bounds that exorbitant power which the prelates have assumed unto themselves, so contrary both to the Word of God and to the laws of the land, to which end we passed the Bill for the removing them from their temporal power and employments, that so the better they might with meekness apply themselves to the discharge of their functions, which Bill themselves opposed, and were the principal instruments of crossing it.

184. And we do here declare that it is far from our purpose or desire to let loose the golden reins of discipline and government in the Church, to leave private persons or particular congregations to take up what form of Divine Service they please, for we hold it requisite that there should be throughout the

whole realm a conformity to that order which the laws enjoin according to the Word of God. And we desire to unburden the consciences of men of needless and superstitious ceremonies, suppress innovations, and take away the monuments of idolatry.

185. And the better to effect the intended reformation, we desire there may be a general synod of the most grave, pious, learned and judicious divines of this island; assisted with some from foreign parts, professing the same religion with us, who may consider of all things necessary for the peace and good government of the Church, and represent the results of their consultations unto the Parliament, to be there allowed of and confirmed, and receive the stamp of authority, thereby to find passage and obedience throughout the kingdom.

186. They have maliciously charged us that we intend to destroy and discourage learning, whereas it is our chiefest care and desire to advance it, and to provide a competent maintenance for conscionable and preaching ministers throughout the kingdom, which will be a great encouragement to scholars, and a certain means whereby the want, meanness and ignorance, to which a great part of the clergy is now subject, will be prevented.

187. And we intended likewise to reform and purge the fountains of learning, the two Universities, that the streams flowing from thence may be clear and pure, and an honour and comfort to the whole land.

188. They have strained to blast our proceedings in Parliament, by wresting the interpretations of our orders from their genuine intention.

189. They tell the people that our meddling with the power of episcopacy hath caused sectaries and conventicles, when idolatrous and Popish ceremonies, introduced into the Church by the command of the Bishops have not only debarred the people from thence, but expelled them from the kingdom.

190. Thus with Elijah,¹ we are called by this malignant party the troublers of the State, and still, while we endeavour to reform their abuses, they make us the authors of those mischiefs we study to prevent.

191. For the perfecting of the work begun, and removing all future impediments, we conceive these courses will be very effectual, seeing the religion of the Papists hath such principles as do certainly tend to the destruction and extirpation of all Protestants, when they shall have opportunity to effect it.

¹ *Eliab* in Rushworth.

192. It is necessary in the first place to keep them in such condition as that they may not be able to do us any hurt, and for avoiding of such connivance and favour as hath heretofore been shown unto them.

193. That His Majesty be pleased to grant a standing Commission to some choice men named in Parliament, who may take notice of their increase, their counsels and proceedings, and use all due means by execution of the laws to prevent all mischievous designs against the peace and safety of this kingdom.

194. Thus some good course be taken to discover the counterfeit and false conformity of Papists to the Church, by colour whereof persons very much disaffected to the true religion have been admitted into place of greatest authority and trust in the kingdom.

195. For the better preservation of the laws and liberties of the kingdom, that all illegal grievances and exactions be presented and punished at the sessions and assizes.

196. And that Judges and Justices be very careful to give this in charge to the grand jury, and both the Sheriff and Justices to be sworn to the due execution of the Petition of Right and other laws.

197. That His Majesty be humbly petitioned by both Houses to employ such counsellors, ambassadors and other ministers, in managing his business at home and abroad as the Parliament may have cause to confide in, without which we cannot give His Majesty such supplies for support of his own estate, nor such assistance to the Protestant party beyond the sea, as is desired.

198. It may often fall out that the Commons may have just cause to take exceptions at some men for being councillors, and yet not charge those men with crimes, for there be grounds of diffidence which lie not in proof.

199. There are others, which though they may be proved, yet are not legally criminal.

200. To be a known favourer of Papists, or to have been very forward in defending or countenancing some great offenders questioned in Parliament; or to speak contemptuously of either Houses of Parliament or Parliamentary proceedings.

201. Or such as are factors or agents for any foreign prince of another religion; such are justly suspected to get councillors' places, or any other of trust concerning public employment for money; for all these and divers others we may have great reason to be earnest with His Majesty, not to put his

great affairs into such hands, though we may be unwilling to proceed against them in any legal way of charge or impeachment.

202. That all Councillors of State may be sworn to observe those laws which concern the subject in his liberty, that they may likewise take an oath not to receive or give reward or pension from any foreign prince, but such as they shall within some reasonable time discover to the Lords of His Majesty's Council.

203. And although they should wickedly forswear themselves, yet it may herein do good to make them known to be false and perjured to those who employ them, and thereby bring them into as little credit with them as with us.

204. That His Majesty may have cause to be in love with good counsel and good men, by shewing him in an humble and dutiful manner how full of advantage it would be to himself, to see his own estate settled in a plentiful condition to support his honour; to see his people united in ways of duty to him, and endeavours of the public good; to see happiness, wealth, peace and safety derived to his own kingdom, and procured to his allies by the influence of his own power and government.

The Grand Remonstrance was the comprehensive statement of the cause of Parliament against Charles the First, and of the popular demands, on the eve of the Civil War. The Long Parliament met at Westminster, November 7, 1640, after the eleven years during which the King had ruled despotically without a Parliament. The Grand Remonstrance, which was the culmination of a long series of measures to reestablish the authority of Parliament, was laid before the House of Commons by Pym in November of the next year, 1641, adopted after long debate by a small majority, and presented to the King December 1. The King's unsatisfactory answer may be found in Gardiner's *Constitutional Documents of the Puritan Revolution*, page 155. The Impeachment of the Five Members followed on January 3, 1642, and the King withdrew from London the next week. On August 22 he raised his standard at Nottingham, and the Civil War began.

"The Solemn Remonstrance which Pym laid before the House of Commons in November was in effect an appeal to the country at large. It is this purpose that accounts for its unusual form. The Remonstrance was more an elaborate State-Paper than a petition to the King. It told in a detailed narrative the work which the Parliament had done, the difficulties it had surmounted, and the new dangers which lay in its path. The Parliament had been charged with a design to abolish Episcopacy; it declared its purpose to be simply that of reducing the power of bishops. Politically it repudiated the taunt of revolutionary aims. It demanded only the observance of the existing laws against recusancy, securities for the due administration of justice, and the employment of ministers who possessed the confidence of Parliament. The new King's party fought fiercely against its adoption; debate followed debate; the sittings were prolonged till lights had to be brought in; and it was only at midnight, and by a majority of eleven, that the Remonstrance was finally adopted. On an attempt of the minority to offer a formal protest against a subsequent vote for its publication the slumbering passion broke out into a flame. 'Some waved their hats over their heads, and others took their swords in their scabbards out of their belts, and held them by the pommels in their hands, setting the lower part on the ground.' Only Hampden's coolness and tact averted a conflict. The Remonstrance was felt on both sides to be a crisis in the struggle. 'Had it been rejected,' said Cromwell as he left the House, 'I would have sold to-morrow all I possess, and left England for ever!' It was presented to Charles on the first of December, and the King listened to it sullenly; but it kindled afresh the spirit of the country. London swore to live and die with the Parliament; associations were formed in every county for the defence of the Houses; and when the guard which the Commons had asked for in the panic of the army plot was withdrawn by the King, the populace crowded down to Westminster to take its place." — *Green*.

"If Strafford embodied the spirit of tyranny, John Pym, the leader of the Commons from the first meeting of the new Houses at Westminster, stands out for all after time as the embodiment of law. . . . On the eve of the Long Parliament he rode through England to quicken the electors to a sense of the crisis which had come at last; and on the assembling of the Commons he took his place, not merely as a member for Tavistock, but as their acknowledged head. Few of the country gentlemen indeed who formed the bulk of the members, had sat in any previous House; and of the few none represented in so eminent a way the Parliamentary tradition on which the coming struggle was to turn. Pym's eloquence, inferior in boldness and originality to that of Eliot or Wentworth, was better suited by its massive and logical force to convince and guide a great party; and it was backed by a calmness of temper, a dexterity and order in the management of public business, and a practical power of shaping the course of debate, which gave a form and method to Parliamentary proceedings such as they had never had before. Valuable however as these qualities were, it was a yet higher quality which raised Pym into the greatest, as he was the first, of Parliamentary leaders. Of the five hundred members who sat round him at St. Stephen's, he was the one man who had clearly foreseen, and as clearly resolved how to meet, the difficulties which lay before them. It was certain that Parliament would be drawn into a struggle with the Crown. It was probable that in such a struggle the House of Commons would be hampered, as it had been hampered before, by the House of Lords. The legal antiquarians of the older constitutional school stood helpless before such a conflict of coördinate powers, a conflict for which no provision had been made by the law, and on which precedents threw only a doubtful and conflicting light. But with a knowledge of precedent as great as their own, Pym rose high above them in his grasp of constitutional principles. He was the first English statesman who discovered, and applied to the political circumstances around him, what may be called the doctrine of constitutional proportion. He saw that as an element of constitutional life Parliament was of higher value than the Crown; he saw too that in Parliament itself the one essential part was the House of Commons. On these two facts he based his whole policy in the contest which followed. When Charles refused to act with the Parliament, Pym treated the refusal as a temporary abdication on the part of the sovereign, which vested the executive power in the two Houses until new arrangements were made. When the Lords obstructed public business, he warned them that obstruction would only force the Commons 'to save the kingdom alone.' Revolutionary as these principles seemed at the time, they have both been recognized as bases of our constitution since the days of Pym. The first principle was established by the Convention and Parliament which followed on the departure of James the Second; the second by the acknowledgment on all sides since the Reform Bill of 1832 that the government of the country is really in the hands of the House of Commons, and can only be carried on by ministers who represent the majority of that House. It was thus that the work of Pym brought about a political revolution greater than any that England has ever experienced since his day. . . . No English ruler has ever shown greater nobleness of natural temper or a wider capacity for government than the Somersetshire squire whom his enemies, made clear-sighted by their hate, greeted truly enough as 'King Pym.'"—*Green*.



The Scottish National Covenant.

FEBRUARY 27, 1638.

The confession of faith of the Kirk of Scotland, subscribed at first by the King's Majesty and his household in the year of God 1580; thereafter by persons of all ranks in the year 1581, by ordinance of the Lords of the secret council, and acts of the General Assembly; subscribed again by all sorts of persons in the year 1590, by a new ordinance of council, at the desire of the General Assembly; with a general band for the maintenance of the true religion, and the King's person, and now subscribed in the year 1638, by us noblemen, barons, gentlemen, burgesses, ministers, and commons under subscribing; together with our resolution and promises for the causes after specified, to maintain the said true religion, and the King's Majesty, according to the confession aforesaid, and Acts of Parliament; the tenure whereof here followeth.

We all, and every one of us underwritten, do protest, that after long and due examination of our own consciences in matters of true and false religion, we are now thoroughly resolved of the truth, by the word and spirit of God; and therefore we believe with our hearts, confess with our mouths, subscribe with our hands, and constantly affirm before God and the whole world, that this only is the true Christian faith and religion, pleasing God, and bringing salvation to man, which now is by the mercy of God revealed to the world by the preaching of the blessed evangel, and received, believed, and defended by many and sundry notable kirks and realms, but chiefly by the Kirk of Scotland, the King's Majesty, and three estates of this realm, as God's eternal truth and only ground of our salvation; as more particularly is expressed in the confession of our faith, established and publicly confirmed by sundry Acts of Parliament; and now of a long time hath been openly professed

by the King's Majesty, and whole body of this realm, both in burgh and land. To the which confession and form of religion we willingly agree in our consciences in all points, as unto God's undoubted truth and verity, grounded only upon His written Word; and therefore we abhor and detest all contrary religion and doctrine, but chiefly all kind of papistry in general and particular heads, even as they are now damned and confuted by the Word of God and Kirk of Scotland. But in special we detest and refuse the usurped authority of that Roman Antichrist upon the Scriptures of God, upon the Kirk, the civil magistrate, and consciences of men; all his tyrannous laws made upon indifferent things against our Christian liberty; his erroneous doctrine against the sufficiency of the written Word, the perfection of the law, the office of Christ and His blessed evangel; his corrupted doctrine concerning original sin, our natural inability and rebellion to God's law, our justification by faith only, our imperfect sanctification and obedience to the law, the nature, number, and use of the holy sacraments; his five bastard sacraments, with all his rites, ceremonies, and false doctrine, added to the ministration of the true sacraments, without the Word of God; his cruel judgments against infants departing without the sacrament; his absolute necessity of baptism; his blasphemous opinion of transubstantiation or real presence of Christ's body in the elements, and receiving of the same by the wicked, or bodies of men; his dispensations, with solemn oaths, perjuries, and degrees of marriage, forbidden in the Word; his cruelty against the innocent divorced; his devilish mass; his blasphemous priesthood; his profane sacrifice for the sins of the dead and the quick; his canonization of men, calling upon angels or saints departed, worshipping of imagery, relics, and crosses, dedicating of kirks, altars, days, vows to creatures; his purgatory, prayers for the dead, praying or speaking in a strange language; with his processions and blasphemous litany, and multitudes of advocates or mediators; his manifold orders, auricular confession; his desperate and uncertain repentance; his general and doubtful faith; his satisfaction of men for their sins; his justification by works, *opus operatum*, works of supererogation, merits, pardons, pergrinations and stations; his holy water, baptizing of bells, conjuring of spirits, crossing, saning, anointing, conjuring, hallowing of God's good creatures, with the superstitious opinion joined therewith; his worldly monarchy and wicked hierarchy; his three solemn vows, with all his shavelings of sundry sorts; his erroneous and bloody decrees made at Trent, with all the subscribers and approvers of that

cruel and bloody band conjured against the Kirk of God. And finally, we detest all his vain allegories, rites, signs, and traditions, brought in the Kirk without or against the Word of God, and doctrine of this true reformed Kirk, to which we join ourselves willingly, in doctrine, religion, faith, discipline, and life of the holy sacraments, as lively members of the same, in Christ our head, promising and swearing, by the great name of the Lord our God, that we shall continue in the obedience of the doctrine and discipline of this Kirk, and shall defend the same according to our vocation and power all the days of our lives, under the pains contained in the law, and danger both of body and soul in the day of God's fearful judgment. And seeing that many are stirred up by Satan and that Roman Antichrist, to promise, swear, subscribe, and for a time use the holy sacraments in the Kirk, deceitfully against their own consciences, minding thereby, first under the external cloak of religion, to corrupt and subvert secretly God's true religion within the Kirk; and afterwards, when time may serve, to become open enemies and persecutors of the same, under vain hope of the Pope's dispensation, devised against the Word of God, to his great confusion, and their double condemnation in the day of the Lord Jesus.

We therefore, willing to take away all suspicion of hypocrisy, and of such double dealing with God and his Kirk, protest and call the Searcher of all hearts for witness, that our minds and hearts do fully agree with this our confession, promise, oath, and subscription: so that we are not moved for any worldly respect, but are persuaded only in our consciences, through the knowledge and love of God's true religion printed in our hearts by the Holy Spirit, as we shall answer to Him in the day when the secrets of all hearts shall be disclosed. And because we perceive that the quietness and stability of our religion and Kirk doth depend upon the safety and good behaviour of the King's Majesty, as upon a comfortable instrument of God's mercy granted to this country for the maintenance of His Kirk, and ministration of justice among us, we protest and promise with our hearts under the same oath, hand-writ, and pains, that we shall defend his person and authority with our goods, bodies, and lives, in the defence of Christ His evangel, liberties of our country, ministration of justice, and punishment of iniquity, against all enemies within this realm or without, as we desire our God to be a strong and merciful defender to us in the day of our death, and coming of our

Lord Jesus Christ; to Whom, with the Father and the Holy Spirit, be all honour and glory eternally.

Like as many Acts of Parliament not only in general do abrogate, annul, and rescind all laws, statutes, acts, constitutions, canons civil or municipal, with all other ordinances and practick penalties whatsoever, made in prejudice of the true religion, and professors thereof, or of the true Kirk discipline, jurisdiction, and freedom thereof; or in favours of idolatry and superstition; or of the papistical kirk (as Act 3. Act 31. Parl. 1. Act 23. Parl. 11. Act 114. Parl. 12, of K. James VI), that papistry and superstition may be utterly suppressed, according to the intention of the Acts of Parliament reported in Act 5. Parl. 20. K. James VI. And to that end they ordained all papists and priests to be punished by manifold civil and ecclesiastical pains, as adversaries to God's true religion preached, and by law established within this realm (Act 24. Parl. 11. K. James VI) as common enemies to all Christian government (Act 18. Parl. 16. K. James VI), as rebellers and gainstanders of our Sovereign Lord's authority (Act 47. Parl. 3. K. James VI, and as idolaters, Act 104. Parl. 7. K. James VI), but also in particular (by and attour the confession of faith) do abolish and condemn the Pope's authority and jurisdiction out of this land, and ordains the maintainers thereof to be punished (Act 2. Parl. 1. Act 51. Parl. 3. Act 106. Parl. 7. Act 114. Parl. 12. of K. James VI); do condemn the Pope's erroneous doctrine, or any other erroneous doctrine repugnant to any of the Articles of the true and Christian religion publicly preached, and by law established in this realm; and ordains the spreaders or makers of books or libels, or letters or writs of that nature, to be punished (Act 46. Parl. 3. Act 106. Parl. 7. Act 24. Parl. 11. K. James VI); do condemn all baptism conform to the Pope's kirk, and the

latry of the Mass; and ordains all sayers, wilful hearers, and concealers of the Mass, the maintainers and reseters of the priests, Jesuits, trafficking Papists, to be punished without exception or restriction (Act 5. Parl. 1. Act 120. Parl. 12. Act 164. Parl. 13. Act 193. Parl. 14. Act 1. Parl. 19. Act 5. Parl. 20. K. James VI); do condemn all erroneous books and writs containing erroneous doctrine against the religion presently professed, or containing superstitious rights or ceremonies papistical, whereby the people are greatly abused; and ordains the home-bringers of them to be punished (Act 25. Parl. 11. K. James VI); do condemn the monuments and dregs of bygone idolatry, as going to crosses, observing the festival days of saints, and such other superstitious and papistical rites, to the dishonour of God, con-

tempt of true religion, and fostering of great errors among the people, and ordains the users of them to be punished for the second fault as idolaters (Act 104. Parl. 7. K. James VI).

Like as many Acts of Parliament are conceived for maintenance of God's true and Christian religion, and the purity thereof in doctrine and sacraments of the true Church of God, the liberty and freedom thereof in all national synodal assemblies, presbyteries, sessions, policy, discipline, and jurisdiction thereof, as that purity of religion and liberty of the Church was used, professed, exercised, preached, and confessed according to the reformation of religion in this realm. (As for instance: Act 99. Parl. 7. Act 23. Parl. 11. Act 114. Parl. 12. Act 160. Parl. 13. K. James VI, ratified by Act 4. K. Charles.) So that Act 6. Parl. 1. and Act 68. Parl. 6. of K. James VI, in the year of God 1579, declare the ministers of the blessed evangel, whom God of His mercy had raised up or hereafter should raise, agreeing with them that then lived in doctrine and administration of the sacraments, and the people that professed Christ, as He was then offered in the evangel, and doth communicate with the holy sacraments (as in the reformed Kirks of this realm they were presently administered) according to the confession of faith to be the true and holy Kirk of Christ Jesus within this realm, and discerns and declares all and sundry, who either gainsays the word of the evangel, received and approved as the heads of the confession of faith, professed in Parliament in the year of God 1560, specified also in the first Parliament of K. James VI, and ratified in this present Parliament, more particularly do specify; or that refuses the administration of the holy sacraments as they were then ministrated, to be no members of the said Kirk within this realm and true religion presently professed, so long as they keep themselves so divided from the society of Christ's body. And the subsequent Act 69. Parl. 6. K. James VI, declares that there is no other face of Kirk, nor other face of religion than was presently at that time by the favour of God established within this realm, which therefore is ever styled God's true religion, Christ's true religion, the true and Christian religion, and a perfect religion, which by manifold Acts of Parliament all within this realm are bound to profess to subscribe the Articles thereof, the confession of faith, to recant all doctrine and errors repugnant to any of the said Articles (Act 4 and 9. Parl. 1. Act 45. 46. 47. Parl. 3. Act 71. Par. 6. Act 106. Parl. 7. Act 24. Parl. 11. Act 123. Parl. 12. Act 194 and 197. Parl. 14 of King James VI). And all magistrates, sheriffs, &c., on the one part, are ordained to search, apprehend,

and punish all contraveners (for instance, Act 5. Parl. 1. Act 104. Parl. 7. Act 25. Parl. 11. K. James VI), and that, notwithstanding of the King's Majesty's licences on the contrary, which are discharged and declared to be of no force, in so far as they tend in any ways to the prejudice and hindrance of the execution of the Acts of Parliament against Papists and adversaries of the true religion (Act 106. Parl. 7. K. James VI). On the other part, in Act 47. Parl. 3. K. James VI, it is declared and ordained, seeing the cause of God's true religion and His Highness's authority are so joined as the hurt of the one is common to both; and that none shall be reputed as loyal and faithful subjects to our Sovereign Lord or his authority, but be punishable as rebellors and gainstanders of the same, who shall not give their confession and make profession of the said true religion; and that they, who after defection shall give the confession of their faith of new, they shall promise to continue therein in time coming to maintain our Sovereign Lord's authority, and at the uttermost of their power to fortify, assist, and maintain the true preachers and professors of Christ's religion, against whatsoever enemies and gainstanders of the same; and namely, against all such of whatsoever nation, estate, or degree they be of, that have joined or bound themselves, or have assisted or assists to set forward and execute the cruel decrees of Trent, contrary to the preachers and true professors of the Word of God, which is repeated word by word in the Articles of Pacification at Perth, the 23d Feb., 1572, approved by Parliament the last of April 1573, ratified in Parliament 1578, and related Act 123. Parl. 12. of K. James VI, with this addition, that they are bound to resist all treasonable uproars and hostilities raised against the true religion, the King's Majesty and the true professors.

Like as all lieges are bound to maintain the King's Majesty's royal person and authority, the authority of Parliaments, without which neither any laws or lawful judicatories can be established (Act 130. Act 131. Parl. 8. K. James VI), and the subject's liberties, who ought only to live and be governed by the King's laws, the common laws of this realm allanerly (Act 48. Parl. 3. K. James I, Act 79. Parl. 6. K. James VI, repeated in Act 131. Parl. 8. K. James VI), which if they be innovated or prejudged the commission anent the union of the two kingdoms of Scotland and England, which is the sole Act of 17 Parl. James VI, declares such confusion would ensue as this realm could be no more a free monarchy, because by the fundamental laws, ancient privileges, offices, and liberties

of this kingdom, not only the princely authority of His Majesty's royal descent hath been these many ages maintained; also the people's security of their lands, livings, rights, offices, liberties and dignities preserved; and therefore for the preservation of the said true religion, laws and liberties of this kingdom, it is statute by Act 8. Parl. 1. repeated in Act 99. Parl. 7. ratified in Act 23. Parl 11 and 14. Act of K. James VI and 4 Act of K. Charles, that all Kings and Princes at their coronation and reception of their princely authority, shall make their faithful promise by their solemn oath in the presence of the Eternal God, that during the whole time of their lives they shall serve the same Eternal God to the utmost of their power, according as He hath required in His most Holy Word, contained in the Old and New Testaments, and according to the same Word shall maintain the true religion of Christ Jesus, the preaching of His Holy Word, the due and right ministration of the sacraments now received and preached within this realm (according to the confession of faith immediately preceding); and shall abolish and gainstand all false religion contrary to the same; and shall rule the people committed to their charge according to the will and commandment of God revealed in His foresaid Word, and according to the lawable laws and constitutions received in this realm, no ways repugnant to the said will of the Eternal God; and shall procure to the utmost of their power, to the Kirk of God, and whole Christian people, true and perfect peace in all time coming; and that they shall be careful to root out of their Empire all heretics and enemies to the true worship of God, who shall be convicted by the true Kirk of God of the aforesaid crimes. Which was also observed by His Majesty at his coronation in Edinburgh, 1633, as may be seen in the Order of the Coronation.

In obedience to the commands of God, conform to the practice of the godly in former times, and according to the laudable example of our worthy and religious progenitors, and of many yet living amongst us, which was warranted also by act of council, commanding a general band to be made and subscribed by His Majesty's subjects of all ranks for two causes: one was, for defending the true religion, as it was then reformed, and is expressed in the confession of faith above written, and a former large confession established by sundry acts of lawful general assemblies and of Parliament unto which it hath relation, set down in public catechisms, and which had been for many years with a blessing from heaven preached and professed in this Kirk and kingdom, as God's undoubted truth grounded only

upon His written Word. The other cause was for maintaining the King's Majesty, his person and estate: the true worship of God and the King's authority being so straitly joined, as that they had the same friends and common enemies, and did stand and fall together. And finally, being convinced in our minds, and confessing with our mouths, that the present and succeeding generations in this land are bound to keep the aforesaid national oath and subscription inviolable:—

We noblemen, barons, gentlemen, burgesses, ministers, and commons under subscribing, considering divers times before, and especially at this time, the danger of the true reformed religion of the King's honour, and of the public of the kingdom, by the manifold innovations and evils generally contained and particularly mentioned in our late supplications, complaints, and protestations, do hereby profess, and before God, His angels and the world, solemnly declare, that with our whole hearts we agree and resolve all the days of our life constantly to adhere unto and to defend the aforesaid true religion, and forbearing the practice of all novations already introduced in the matters of the worship of God, or approbation of the corruptions of the public government of the Kirk, or civil places and power of kirkmen till they be tried and allowed in free assemblies and in Parliaments, to labour by all means lawful to recover the purity and liberty of the Gospel as it was established and professed before the aforesaid novations; and because, after due examination, we plainly perceive and undoubtedly believe that the innovations and evils contained in our supplications, complaints and protestations have no warrant of the Word of God, are contrary to the articles of the aforesaid confessions, to the intention and meaning of the blessed reformers of religion in this land, to the above-written Acts of Parliament, and do sensibly tend to the reëstablishing of the popish religion and tyranny, and to the subversion and ruin of the true reformed religion, and of our liberties, laws and estates; we also declare that the aforesaid confessions are to be interpreted, and ought to be understood of the aforesaid novations and evils, no less than if every one of them had been expressed in the aforesaid confessions; and that we are obliged to detest and abhor them, amongst other particular heads of papistry abjured therein. And therefore from the knowledge and conscience of our duty to God, to our King and country, without any worldly respect or inducement so far as human infirmity will suffer, wishing a further measure of the grace of God for this effect, we

promise and swear by the great name of the Lord our God, to continue in the profession and obedience of the aforesaid religion; that we shall defend the same, and resist all these contrary errors and corruptions according to our vocation, and to the utmost of that power that God hath put into our hands, all the days of our life. And in like manner, with the same heart we declare before God and men, that we have no intention or desire to attempt anything that may turn to the dishonour of God or the diminution of the King's greatness and authority; but on the contrary we promise and swear that we shall to the utmost of our power, with our means and lives, stand to the defence of our dread Sovereign the King's Majesty, his person and authority, in the defence and preservation of the aforesaid true religion, liberties and laws of the kingdom; as also to the mutual defence and assistance every one of us of another, in the same cause of maintaining the true religion and His Majesty's authority, with our best counsels, our bodies, means and whole power, against all sorts of persons whatsoever; so that whatsoever shall be done to the least of us for that cause shall be taken as done to us all in general, and to every one of us in particular; and that we shall neither directly or indirectly suffer ourselves to be divided or withdrawn by whatsoever suggestion, combination, allurement or terror from this blessed and loyal conjunction; nor shall cast in any let or impediment that may stay or hinder any such resolution as by common consent shall be found to conduce for so good ends; but on the contrary shall by all lawful means labour to further and promote the same; and if any such dangerous and divisive motion be made to us by word or writ, we and every one of us shall either suppress it or (if need be) shall incontinently make the same known, that it may be timously obviated. Neither do we fear the foul aspersions of rebellion, combination or what else our adversaries from their craft and malice would put upon us, seeing what we do is so well warranted, and ariseth from an unfeigned desire to maintain the true worship of God, the majesty of our King, and the peace of the kingdom for the common happiness of ourselves and posterity. And because we cannot look for a blessing from God upon our proceedings, except with our profession and subscription, we join such a life and conversation as beseemeth Christians who have renewed their covenant with God: we therefore faithfully promise, for ourselves, our followers, and all other under us, both in public, in our particular families and personal carriage, to endeavour

to keep ourselves within the bounds of Christian liberty, and to be good examples to others of all godliness, soberness and righteousness, and of every duty we owe to God and man; and that this our union and conjunction may be observed without violation we call the living God, the searcher of our hearts to witness, who knoweth this to be our sincere desire and unfeigned resolution, as we shall answer to Jesus Christ in the great day, and under the pain of God's everlasting wrath, and of infamy, and of loss of all honour and respect in this world; most humbly beseeching the Lord to strengthen us by His Holy Spirit for this end, and to bless our desires and proceedings with a happy success, that religion and righteousness may flourish in the land, to the glory of God, the honour of our King, and peace and comfort of us all.

In witness whereof we have subscribed with our hands all the premises, &c.

THE SOLEMN LEAGUE AND COVENANT.

[Taken by the House of Commons, September 25, 1643.]

A solemn league and covenant for Reformation and defence of Religion, the honour and happiness of the King, and the peace and safety of the three kingdoms of England, Scotland and Ireland.

We noblemen, barons, knights, gentlemen, citizens, burgesses, ministers of the Gospel, and commons of all sorts in the kingdoms of England, Scotland and Ireland, by the providence of God living under one King, and being of one reformed religion; having before our eyes the glory of God, and the advancement of the kingdom of our Lord and Saviour Jesus Christ, the honour and happiness of the King's Majesty and his posterity, and the true public liberty, safety and peace of the kingdoms, wherein every one's private condition is included; and calling to mind the treacherous and bloody plots, conspiracies, attempts and practices of the enemies of God against the true religion and professors thereof in all places, especially in these three kingdoms, ever since the reformation of religion; and how much their rage, power and presumption are of late, and at this time increased and exercised, whereof the deplorable estate of the Church and kingdom of Ireland, the distressed estate of the Church and kingdom of England, and the dangerous estate of the Church and kingdom of Scotland, are present and public testimonies: we have (now at last)

after other means of supplication, remonstrance, protestations and sufferings, for the preservation of ourselves and our religion from utter ruin and destruction, according to the commendable practice of these kingdoms in former times, and the example of God's people in other nations, after mature deliberation, resolved and determined to enter into a mutual and solemn league and covenant, wherein we all subscribe, and each one of us for himself, with our hands lifted up to the most high God, do swear,

I.

That we shall sincerely, really and constantly, through the grace of God, endeavour in our several places and callings, the preservation of the reformed religion in the Church of Scotland, in doctrine, worship, discipline and government, against our common enemies; the reformation of religion in the kingdoms of England and Ireland, in doctrine, worship, discipline and government, according to the Word of God, and the example of the best reformed Churches; and we shall endeavour to bring the Churches of God in the three kingdoms to the nearest conjunction and uniformity in religion, confession of faith, form of Church government, directory for worship and catechising, that we, and our posterity after us, may, as brethren, live in faith and love, and the Lord may delight to dwell in the midst of us.

II.

That we shall in like manner, without respect of persons, endeavour the extirpation of Popery, prelacy (that is, Church government by Archbishops, Bishops, their Chancellors and Commissaries, Deans, Deans and Chapters, Archdeacons, and all other ecclesiastical officers depending on that hierarchy), superstition, heresy, schism, profaneness, and whatsoever shall be found to be contrary to sound doctrine and the power of godliness lest we partake in other men's sins, and thereby be in danger to receive of their plagues; and that the Lord may be one, and His name one in the three kingdoms.

III.

We shall with the same sincerity, reality and constancy, in our several vocations, endeavour with our estates and lives mutually to preserve the rights and privileges of the Parliaments, and the liberties of the kingdoms, and to preserve

and defend the King's Majesty's person and authority, in the preservation and defence of the true religion and liberties of the kingdoms, that the world may bear witness with our consciences of our loyalty, and that we have no thoughts or intentions to diminish His Majesty's just power and greatness.

IV.

We shall also with all faithfulness endeavour the discovery of all such as have been or shall be incendiaries, malignants or evil instruments, by hindering the reformation of religion, dividing the King from his people, or one of the kingdoms from another, or making any faction or parties amongst the people, contrary to the league and covenant, that they may be brought to public trial and receive condign punishment, as the degree of their offences shall require or deserve, or the supreme judicatories of both kingdoms respectively, or others having power from them for that effect, shall judge convenient.

V.

And whereas the happiness of a blessed peace between these kingdoms, denied in former times to our progenitors, is by the good providence of God granted to us, and hath been lately concluded and settled by both Parliaments: we shall each one of us, according to our places and interest, endeavour that they may remain conjoined in a firm peace and union to all posterity, and that justice may be done upon the wilful opposers thereof, in manner expressed in the precedent articles.

VI.

We shall also, according to our places and callings, in this common cause of religion, liberty and peace of the kingdom, assist and defend all those that enter into this league and covenant, in the maintaining and pursuing thereof; and shall not suffer ourselves, directly or indirectly, by whatsoever combination, persuasion or terror, to be divided and withdrawn from this blessed union and conjunction, whether to make defection to the contrary part, or give ourselves to a detestable indifferency or neutrality in this cause, which so much concerneth the glory of God, the good of the kingdoms, and the honour of the King; but shall all the days of our lives zealously and constantly continue therein, against all opposition, and promote the same according to our power, against all lets and impediments whatsoever; and what we are not

able ourselves to suppress or overcome we shall reveal and make known, that it may be timely prevented or removed: all which we shall do as in the sight of God.

And because these kingdoms are guilty of many sins and provocations against God, and His Son Jesus Christ, as is too manifest by our present distresses and dangers, the fruits thereof: we profess and declare, before God and the world, our unfeigned desire to be humbled for our own sins, and for the sins of these kingdoms; especially that we have not as we ought valued the inestimable benefit of the Gospel; that we have not laboured for the purity and power thereof; and that we have not endeavoured to receive Christ in our hearts, nor to walk worthy of Him in our lives, which are the causes of other sins and transgressions so much abounding amongst us, and our true and unfeigned purpose, desire and endeavour, for ourselves and all others under our power and charge, both in public and in private, in all duties we owe to God and man, to amend our lives, and each one to go before another in the example of a real reformation, that the Lord may turn away His wrath and heavy indignation, and establish these Churches and kingdoms in truth and peace. And this covenant we make in the presence of Almighty God, the Searcher of all hearts, with a true intention to perform the same, as we shall answer at that Great Day when the secrets of all hearts shall be disclosed: most humbly beseeching the Lord to strengthen us by His Holy Spirit for this end, and to bless our desires and proceedings with such success as may be a deliverance and safety to His people, and encouragement to the Christian Churches groaning under or in danger of the yoke of Antichristian tyranny, to join in the same or like association and covenant, to the glory of God, the enlargement of the kingdom of Jesus Christ, and the peace and tranquillity of Christian kingdoms and commonwealths.

THE COVENANTS, known in Scottish history and tradition, originated in the Reformation movement of the 16th and 17th centuries. The first Reformation, in 1560, was preceded by several religious bonds among the Reformers themselves; but the work of reformation was crowned in both first and second periods by the whole nation engaging in public religious covenanting. These public national covenants are two in number—the National Covenant, and the Solemn League and Covenant.

The *National Covenant*, which is sometimes called the “Scots Confession” and the “Short Confession,” to distinguish it from the more elaborate

Confession of Faith enacted and placed on the statute-book by parliament in 1560, was drawn up in 1580, at the command of James VI., by one of his chaplains, John Craig, to counteract attempts which were being made by the Roman Catholics to regain their lost hold of Scotland. It contains a profession of adherence to the "true Christian faith and religion" more particularly expressed in the Confession of 1560, an explicit renunciation of the tenets of popery, which are detailed at length, and a pledge of obedience to the Presbyterian discipline of the church as then established, and of allegiance to the king in the defence of the gospel, all being ratified by solemn oath. By the ordinance of the king, the Privy-council, and the General Assembly, this Covenant was sworn and subscribed by all ranks and classes in 1581; renewed in 1590 in a bond specially directed against the machinations of the Holy League, which had in 1588 despatched the Armada against the British Isles; again renewed in 1596, and still again in 1638. In the last-mentioned year it was renewed in a bond directed against the attempts of Charles I. to enforce the Laudian service-book and Episcopacy upon Scotland. The swearing and subscribing of the Covenant throughout the country was inaugurated in the Greyfriars' Churchyard at Edinburgh, on 28th February; numerous copies were then sent out over the country, and of these many are still extant both in private and public custody. In the library of the Faculty of Advocates at Edinburgh alone, no fewer than five parchment copies are preserved with the original signatures of Rothes, Montrose, Loudoun, and many others of the nobility, gentry, commissioners of counties and burghs, and ministers. Only one of these, however, is connected with the year 1638. At the meeting of the General Assembly in Glasgow, on 21st November of that year, the Covenant was ratified and appointed to be again sworn, while in pursuance of the object of the Covenant, the assembly deposed the whole of the Episcopal hierarchy which had been established by James VI. The other four copies of the Covenant above referred to were subscribed in 1639. The Covenant was further ratified by the parliament of Charles I., held at Edinburgh, June 11, 1640; and it was subscribed by Charles II. on his landing in Scotland, at Speymouth, on June 23, 1650, and again at his coronation at Scone, on January 1, 1651.

The *Solemn League and Covenant* was in effect an international treaty between Scotland and England, for the object of securing the civil and religious liberties of these kingdoms. In 1643 commissioners were sent by the parliament to Edinburgh to solicit the assistance of the Scots on the basis of a treaty between the two kingdoms. To this the Scots Convention of Estates and also the General Assembly cordially assented, on condition that the treaty was drawn up in the interests of their religious as well as their civil liberties. Committees of both were appointed to meet with the English commissioners, and the result of their deliberations was the Solemn League and Covenant. It is believed to have been largely the work of Alexander Henderson. It was hailed by both the representative bodies of the

Scots with joyful unanimity, and sent to England for approbation, with their warmest recommendations and assurances that it would prove "the most powerful means, by the blessing of God, for settling and preserving the true Protestant religion with perfect peace in all his majesty's dominions, and propagating the same to other nations, and for establishing his majesty's throne to all ages." It was received with almost perfect unanimity by the English parliament and the Westminster Assembly of Divines, both of whom forthwith swore and subscribed it, and sent copies over the kingdom, with their ordinance that it should be subscribed and sworn by all. Zachary Crofton gives a list of 793 ministers in twelve only of the counties of England, the West Riding of Yorkshire, and the city of London who subscribed their adherence to the Covenant. As soon as intimation of its acceptance by England was received in Scotland, the Solemn League and Covenant was enjoined to be sworn there by all ranks and classes; and being sent to Ireland was embraced by the Protestants there with like eagerness and satisfaction.

The prime object of the Solemn League and Covenant, as stated in the preamble thereof, was "the preservation of ourselves and our religion from utter ruin and destruction," and the Covenanters pledged themselves, in their places and callings, to endeavour the preservation of the reformed religion in the Church of Scotland, and the reformation of religion in England and Ireland, in the way of securing a uniformity of religion in the three kingdoms, in doctrine, worship, discipline, and government. There can be little doubt that Presbyterianism was intended, as prelacy, which had just been abolished by both English and Scottish parliaments, was specially marked for extirpation along with popery. The Covenanters also pledged themselves to "preserve the rights and privileges of the parliaments," to "defend the king's majesty's person and authority in the preservation and defence of the true religion and liberties of the kingdoms," to endeavour that the three kingdoms might "remain conjoined in a firm peace and union to all posterity," and finally, to evince a thorough and real reformation of life both in public and in private. The Solemn League and Covenant was renewed in Scotland in December, 1648, and along with the National Covenant was sworn to and subscribed by Charles II. at Speymouth and Scone. In fighting for his succession against Cromwell, the Scots in 1650 enacted that the motto on all their colours and standards should be, "For Covenant, religion, king and kingdom," and their watchword at the battle of Dunbar was "The Covenant." After the Restoration, parliament decreed that the Covenants were not obligatory on the lieges; in 1662 they were declared unlawful oaths, and all acts ratifying and approving them were annulled; in 1682 an oath was imposed specially renouncing the obligations of the Covenants, and in 1685 it was declared to be treason to take them.

During the period, however, between the Restoration and the Revolution, the Covenants were adhered to by many who, upon this account, were

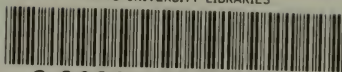
called COVENANTERS. They maintained that these Covenants, notwithstanding all acts of parliament to the contrary, were binding upon the nation, and great numbers of them suffered and died in this testimony. Their heroic resistance was justified by the Revolution of 1688, when the nation united in one final effort for the restoration of civil and religious freedom. The Covenants, however, found no place in the polity of the reconstructed Church of Scotland, and so far as it and the nation in general is concerned, they remain a dead letter. They are nevertheless printed along with the authorised standards of the church — viz. the *Westminster Confession of Faith*, and Catechisms, &c. But their continued obligation upon the entire nation remained a prominent principle of the Original Secession and Reformed Presbyterian churches, both of which have frequently renewed them from the Revolution down to the present day. — *Chambers' Encyclopædia*.

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